Testimony of Deputy Mayor for Operations Cas Holloway before the City Council Committee on Sanitation & Solid Waste Management

Intro 1060: Legislation to prohibit certain EPS foam foodservice products in New York City

Monday, November 25, 2013

1:00 pm – City Council Chambers

Good afternoon Chair James and members of the Committee on Sanitation and Solid Waste Management. I am Cas Holloway, New York City Deputy Mayor for Operations. Thank you for holding this hearing on Intro 1060 that, if enacted, would restrict the sale or provision of single-service food items in packaging that contains expanded polystyrene—known as EPS and commonly referred to as foam—in the City of New York. Passing this legislation would achieve at least 3 very significant objectives at minimal cost:

(i) First, it would eliminate from New York City a large volume of a wasteful and environmentally harmful product that does not biodegrade and cannot be recycled;

(ii) Second, it would dramatically reduce the contamination of the metal, glass and plastics recyclables stream, increasing the value of NYC recyclables and thus the revenue that the City could collect through its existing recycling program; and

(iii) Third, it would eliminate a major hurdle to large-scale food waste and other organic recycling in NYC at the household and business level by eliminating a major contaminant from the food waste stream.

My goal is to make three key points in my testimony this afternoon:

1. Explain why the prohibition of EPS foam in single-service throw-away food containers is in the City's immediate and long term best interests;
2. Explain why—regardless of what you may have heard to this point or may hear following my testimony—EPS foam is not recyclable in New York City, nor has any producer of EPS foam—including Dart—made a realistic proposal or commitment to make it recyclable here.
3. Explain my personal efforts to ensure that Dart Container was given every opportunity to demonstrate the viability of EPS foam recycling in New York City and to make the financial and other commitments necessary to make it recyclable; and how those efforts fell far short of making even the minimum showing that the City—and I would suggest the City Council as well—would need to consider an alternative to the limited, common-sense prohibition of single-service foam food containers in Intro 1060.

1. The limited prohibition of EPS foam in single-service food containers is the right policy for New York City.

At the outset it is critical to understand what Intro 1060 is and what it is not. Intro 1060 does not ban all EPS foam products in New York City. It would simply prohibit the use of EPS foam in its most harmful and wasteful form—single service food uses like foam cups and foam clamshells. EPS foam could still be used in shipping electronics and other products, as well as many other applications. EPS foam is particularly harmful to the environment when used for the sale and provision of single-serving food items. While it may be convenient for the 10 to 20 minutes that it is used to carry a sandwich or a cup of coffee, the vast majority of EPS foam used for single-service food items ends up in a landfill, where it will sit for 500 years and longer. Not only that, but EPS foam is light (95% air), brittle, and breaks easily into very small pieces and is a major source of litter. When that happens, EPS foam pollutes and contaminates just about everything it touches: our streets and waterways, catchbasins and neighborhood sidewalks, and even the waste stream itself.

New Yorkers are currently required by law to recycle paper, metal, glass and plastics—including since this spring, all rigid plastics as part of the largest expansion of the City's recycling program in 25 years. The City's 6,000 dedicated sanitation workers collect recyclables through the curbside pick-up program, and by contract, the City is obligated to deliver the recyclables it collects to our recycling vendors, Sims (for metal, glass and plastic) and Pratt (for paper). Anything delivered to Sims that is not recyclable is a contaminant, and EPS foam would be considered a major contaminant in the recycling stream. Currently, EPS foam is mostly found in our refuse stream and it costs the City more than $1.8 million annually to dispose of it in landfills. Sims has confirmed numerous times in writing that EPS foam from foodservice cannot be recycled and that if it shows up in the recycling stream, it will be considered a contaminant.

Visy Paper, our paper recycling vendor, indicated that they were not willing to run a test as to whether EPS foam from food service can be recycled because it would contaminate the paper Visy receives. The City currently gets paid $16 million per ton for its paper, which translates into millions of dollars of revenue annually. Eliminating EPS foam from the millions of single-service food delivery items that New Yorkers use will substantially reduce the risk of contamination in the paper, metal, glass, and plastic recycling streams.

Perhaps most importantly, single-service EPS foam materials severely undermine both the City's residential and commercial organics recycling programs. EPS foam plates, clamshells and other materials are a significant contaminant of the food waste stream that makes up 35% of the 11,000 tons of waste that New Yorkers produce every day. The City currently spends more than $85 million annually exporting organics to landfills. We expect that our organics program will be able to significantly reduce that cost, create local jobs and local renewable energy. Organic material contaminated by foam during the collection process becomes unmarketable for composting or anaerobic digestion—whether by the City or by the private carters that collect food waste from the City's approximately 24,000 restaurants. Local Law 77 of 2013 provides that DSNY will expand its voluntary residential organic waste collection program to 100,000 City households, 70 high rise buildings, City agencies and at least 400 schools, by 2015; but it cannot be successful with foam in the system. A robust residential and organics program offers major financial and environmental opportunities for New York City. For example, the three cities in the U.S. that have the most robust organics collection programs and the highest recycling rates, Seattle, Portland and San Francisco, have all banned EPS foam from foodservice. In addition, all three cities have robust and growing restaurant industries. The limited EPS foam ban required by Intro 1060 would significantly increase the chances that the aggressive organic

recycling programs that the City and the private sector have gotten under way will truly succeed.

In the final analysis, the limited prohibition of EPS foam foodservice products will significantly reduce the environmental harms that these products cause, and will substantially increase the value of the metal, glass, plastic, and paper streams that the City collects every day. We project that in combination with the City's increased recycling efforts, this legislation will result in nearly $50 million of annual savings.

Objections to Intro 1060

Objections to the limited EPS foam prohibition that Intro 1060 would impose come from two sources: the EPS foam industry and its lobbyists—particularly Dart Container—and a few voices in the foodservice industry who fear that costs could increase.

We take seriously any regulation that could increase business costs, particularly of the restaurant industry, one of the City's most powerful economic engines. Since becoming Deputy Mayor for Operations, Deputy Mayor for Economic Development Bob Steel and I have worked together to make it easier to open a restaurant in New York City and keep them open. Through initiatives like the New Business Acceleration team and making the renewal process digital we have decreased the time-to-open for new restaurants by more than two and a half months. We have conducted substantial research into the economic impacts of this legislation and have concluded that it will have no significant cost impacts on restaurants of any size. First, the fact is that most restaurants in New York City no longer use foam. This includes 84% of chain restaurants, representing more than 3,000 locations. In May, we met with the two largest generators of foam food service cups in New York City, Dunkin Donuts and McDonalds; both told us in writing that foam cannot be recycled and they have initiated plans to discontinue the use of foam cups.

With the help of Councilmembers Chin and Reyna, we also met with small, local restaurants. Our research found that the average cost difference per product was $.02—results that mirror a study done by the City of San Jose, CA prior to enacting similar legislation. Other cities with vibrant restaurant cultures have enacted polystyrene restrictions and found no impact to their food service industry. When San Francisco passed this legislation, they offered a financial hardship exemption to small businesses. To date, zero businesses have requested the exemption. The facts are that the vast majority of food service establishments in New York City don't use EPS foam, and there are a variety of cost competitive alternatives available that most businesses are already using. Intro 1060 will simply accelerate finishing the job—and will likely make EPS foam alternatives even more cost competitive than they clearly already are. In a sense, prohibiting EPS foam for food service applications is analogous to when the City prohibited coal burning for heat, or the phase out of the dirtiest heating oils—#6 and #4—that is almost complete in NYC. The presence of readily available, cost-effective alternatives in the market has already done most of the job; Intro 1060 will finish it.

2. Foodservice products made from EPS foam cannot be recycled in NYC.

Some members of this committee have already heard, and at some point following my testimony you will likely hear that EPS foam is recyclable. It is not. That's not my opinion, that's a fact. To be recyclable—and claim that a product such as EPS foam can be recycled—two basic criteria must be met: (i) the product must be capable of being re-used "in manufacturing or assembling another item"; and (ii) the material must capable of being "collected, separated, or otherwise recovered from the waste stream through an established recycling program." The Federal Trade Commission has established these criteria—re-usability

and public access to recycling opportunities—so that producers of products like EPS foam cannot claim that it's recyclable simply by stamping a plastics designation number on the bottom of it (in the case of EPS foam, #6).

As Dart Container's own Director of Recycling has acknowledged repeatedly and in multiple public sources, EPS foam used in foodservice products fails these criteria in all but a very few jurisdictions across the United States, including New York. That's because the infrastructure doesn't exist here to collect, sort, and re-process EPS foam. In fact, Dart itself has not established a single location in all of New York State where New Yorkers could take EPS foam products to recycle them, even if they wanted to.[1] Dart readily acknowledges that most municipalities have not included EPS foam in their recycling programs, and their own materials are the best place to go if you want to understand why. According to Dart, the first problem is that EPS foam is not a significant portion of the waste stream—less than 1% of all products; second, recycling goals are measured by weight and volume, and EPS foam is extremely light and comparatively rare; and third, it takes substantially more effort to collect a pound (or 1000 pounds, or 10,000 pounds) of foam than 1 pound of glass or cardboard. In fact, special equipment is needed to collect and "densify" EPS foam so that it can be transported economically for re-use.

Can these problems be overcome? Are they worth overcoming? As Dart knows and has acknowledged, 73% of quick-service restaurants' food leaves the restaurant, and most of it ends up at home or the office.[2] Thus, for EPS foam recycling to be viable in New York City, a curbside collection program would have to be established. Because foam must be extremely

[1] See http://www.dartcontainer.com/web/environ.nsf/pages/drop-off.html
[2] See http://1800recycling.com/2013/06/dart-container-michael-westerfield-promoting-recycling-material-cant-say-recyclable/#.UpOM8Bykrv4

clean to be recycled—free of even the oil and grease that is in virtually every sandwich or lunch platter carried in EPS foam—it cannot be mixed with other recyclables. We estimate that an EPS foam curbside program would require the addition of a minimum of 1000 additional truck routes at a cost of approximately $70 million per year. That is certainly an expensive and heavily polluting way to deal with an almost infinitesimal portion of the City's waste stream that is already shrinking.

You may have heard that Dart has offered to purchase a densifier for the City's recycling vendor, Sims, or to pay Sims $160 for every ton of EPS foam it collects. The offer of a machine or two does not make a product recyclable. Dart's offer is analogous to asking someone to start a newspaper and offering to pay only for the printing press. Without the reporters, editors, word processors, advertising and business staff, ink and paper, and distribution infrastructure to write, package, and deliver those newspapers, the printing press is probably more valuable to a recycler than to a would-be publisher. Moreover, Dart's offer to Sims expressly provides that any foam it would take cannot contain <u>any</u> oil and grease—by-products of nearly every food.

The fact is that investing in the infrastructure needed to make EPS foam truly recyclable in New York City makes no sense because it would cost far more to do than the value of what amounts to one half of one percent of the City's waste stream. That's why Dart has not invested in even a single recycling facility in New York City in the 25 years that we have had a recycling program, and why they have not made a realistic proposal to make EPS foam recyclable here now. Instead, they would like the public to pay the cost of a highly inefficient program to preserve a form of a product—EPS foam foodservice items—that most of NYC restaurants don't even use and that can cheaply be replaced. That's why the prohibition of EPS foam in single-serving food service products makes sense, and should be adopted.

3. Dart has had every opportunity to demonstrate the viability of EPS foam recycling in New York City and they have failed.

Finally, I would like to directly address claims you may hear from Dart Container and others about their efforts to show that EPS foam can be recycled in New York City. In March 2013, Dart Container and the American Chemistry Council requested a meeting with me and the Department of Sanitation. On March 7, 2013, I personally sat with Michael Westerfield of Dart, Ray Ehrlich of the American Chemistry Council, and their lobbyists to discuss EPS foam recycling. To ensure that Dart was given every effort to show that EPS foam recycling could be viable I instructed the Department of Sanitation to ask our recycling vendors to work with Dart and determine if their claims that EPS foam could be recycled were true.

We understand that Dart sent a proposal to Sims and that Sims rejected their proposal. Sims can speak to the specifics but our understanding—as I described above—is that Dart simply offered to pay for equipment that it would not pay to operate or maintain, nor would it commit to invest in the infrastructure needed to collect EPS foam at the household level. Moreover, Dart expressly refused to take foam contaminated with oil and grease, precisely the food service byproducts that their products contain. When I asked Dart why they had not invested in a recycling program of any kind in New York City in the last 25 years, they said that they were "working on California." The fact is, the only reason that Dart is here making the anemic proposals it is making is because the City is finally ready to do the sensible thing: end the use of this product for single-serving, throw-away food items.

The EPS foam industry may point to purportedly successful foam recycling programs in other cities, particularly Los Angeles. LA does accept clean polystyrene foam for recycling, but Intro 1060 prohibits foodservice products made from EPS foam, which contain the oils and grease that Dart itself will not accept. Of the communities in LA County that have attempted

curbside foam recycling pilots, eight have discontinued the program, 15 send the material directly to a landfill, and only seven send their material to a recycling facilities, which would not accept foam food containers, which ended up being sent to landfills. On June 25, Councilmember Fidler received a letter attached to my testimony from Los Angeles Councilmember Paul Koretz stating, "EPS food containers contaminated with food waste are not, in fact, recycled in any way by the City of Los Angeles." The Councilmember continued, citing a Los Angeles Bureau of Public Works memo that stated, "MRFs [material recovery facilities] don't recover food trays, meat trays, or other EPS contaminated with organics as the recycling manufacturers will not accept them."

More than 70 cities and counties nationwide have restricted foam from food service products. These municipalities include San Francisco, San Jose, Portland, Seattle, Suffolk County, and Orange County, and apply to over 10 million people nationwide. Just last week, Albany County passed a legislation restricting polystyrene foam. Finally, I note that the proposed legislation does not go into effect until July 1, 2015. Between now and then, the foam industry may prove that EPS foam foodservice products can be recycled in New York City; if that happens the bill contains a clause that would allow the Sanitation Commissioner to rescind the prohibition.

Since Mayor Bloomberg announced this proposed legislation as part of his State of the City Address, the Administration has received widespread support for this legislation from environmental groups like the NRDC, Sierra Club, We Act For Environmental Justice, the Sustainable South Bronx and League of Conservation Voters; from local foundations, such as the Overbrook Foundation; from the waste and recycling industry, such as the Manhattan Solid Waste Advisory Board; and from business groups, including the Long Island City Partnership,

packaging companies, municipalities across the country who have successfully restricted foam in food service products, and school parents anxious to ensure that their kids are no longer using polystyrene foam trays and packaging.

Intro 1060 is a common sense way to address an environmentally harmful, expensive problem that the market has almost already eliminated on its own. I strongly encourage the Council to finish the job. Thank you for this opportunity to testify this afternoon; I'll gladly answer any questions you may have.

FOR THE RECORD

Testimony of Harry Nespoli

President, Uniformed Sanitationmen's Association, Local 831, International Brotherhood of Teamsters before

the New York City Council Committee on Sanitation and Solid Waste Management

Hon. Letitia James, Chairwoman

November 25, 2013

Chairwoman and Public Advocate-Elect James and Members of the Committee on Sanitation and Solid Waste Management,

Thank you for the opportunity to present testimony as you consider several pieces of legislation regarding the regulation of expanded polystyrene—namely, Introduction 369 of 2010, Introduction 380 of 2010, Introduction 1060-A of 2013, and Preconsidered Introduction 7195 of 2013. My name is Harry Nespoli, and as president of the Uniformed Sanitationmen's Association, Local 831, I represent approximately 6,100 of New York's Strongest—those hard-working men and women that everyday ensure the sanitation and cleanliness of our great City. As you know, my members are responsible for the curbside collection of recyclable materials that are currently designated as recyclable. While the Department of Sanitation's recycling program is the largest program in the nation, our current recycling diversion rate is only approximately 15%. The program, which not only has enormous environmental benefits but also has the opportunity to provide additional revenue to the City through the sale of valuable recyclable refuse, should be expanded, and our City's residents and even our own government agencies should be encouraged to participate.

Today, you are considering how to treat certain expanded polystyrene ("EPS") items that end up in our waste stream. As with any environmental considerations, there are costs and benefits associated with EPS items. Currently, EPS items are not recycled, and they end up in our landfills, where they are not biodegradable. At the same time, the EPS industry is one that creates many very well-paying jobs—some of which I am happy to note are union manufacturing jobs where the workers are represented by my brothers and sisters in the International Association of Machinists and Aerospace Workers who are also testifying here today. The products that are created by the EPS manufacturing industry offer tremendous and low-cost

convenience to consumers, whether the products are being used as home insulation that reduces the energy usage to heat and/or cool one's home, or whether the products are being used as a virtually weightless packing product to protect delicate items in transport which require less energy to transport than traditional heavier packing materials, or whether the products are being used as temperature-regulating beverage containers for one's sugary drinks of unlimited size. In short, EPS products offer tremendous benefit to not only to the EPS manufacturing industry, but also to consumers.

But what of the environmental costs to which the administration and sponsors of Introduction 1060-A point? Such costs certainly are ameliorated by a recycling alternative to an outright legislative ban on certain (but peculiarly not all) EPS products, which recycling alternative would produce additional benefits of its own. Other large cities, such as Los Angeles and Toronto[1], have implemented EPS recycling programs, demonstrating both that EPS is a recyclable material and that adding EPS to a municipal recycling program is feasible. As reported by *Crain's New York Business* on Friday, November 22, 2013[2], we currently have an offer from a private firm not only to clean post-collection the recycled EPS products that would be subject to regulation pursuant to the legislation being considered today, but also to buy back the recycled material from the City, resulting in an additional revenue source for the City.

As the president of this labor organization, I am charged with representing the economic interests of my members—ensuring they receive a fair day's pay for a fair day's work, ensuring that they are treated with dignity and respect, and ensuring that they continue to provide one of the most essential, even if mundane, municipal services to our City. At the same time, as the

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[1] Additionally, in the Ontario province of Canada, approximately 90 municipalities participate in an EPS recycling program.

[2] *See*, "A Drastic Plan for Plastic," *Crains's New York Business*, November 22, 2013, at http://www.crainsnewyork.com/article/20131122/SMALLBIZ/131129951.

president of a union of public servants, I am ever mindful of the need to improve quality of life for New Yorkers. Implementing a recycling program for EPS can easily achieve both of those goals, while providing an additional revenue stream for the City.

All of the proposed pieces of legislation being considered today, with the exception of Introduction 1060-A, have been previously introduced and sitting dormant without having been heard in Committee. In some instances, proposed legislation was introduced several years ago. Now, with only weeks left in the term of the current administration, its surrogates are urging you to take the drastic step of implementing a legislative ban of a whole class of products without any significant deliberation of the issue. I, on behalf of the 6,100 men and women of the Uniformed Sanitationmen's Association, would urge you to take an incremental approach to legislating in this area. While recognizing the challenge of the proliferation of non-biodegradable materials in our landfills, let us not ignore the enormous benefits and conveniences that those materials provide. Particularly when there is a recycling solution already utilized by other municipalities that can mitigate environmental concerns; allow consumers to utilize cost-efficient, useful products; provide good-paying, New-York-State-based, union manufacturing jobs; expand our municipal recycling program; and create an additional revenue stream for the City, we should embrace that solution.

For the foregoing reasons, the Uniformed Sanitationmen's Association respectfully urges you to reject any proposed ban of EPS and to expand New York City's recycling program to include EPS.

FOR THE RECORD

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Comments
By the Food Industry Alliance of New York State, Inc.
in opposition to
Int. No. 369-2010

Thank you for the opportunity to submit this testimony in connection with today's public hearing. My name is Jay Peltz and I am the Vice-President of Public Affairs for the Food Industry Alliance of New York State. The Food Industry Alliance is a nonprofit trade association that promotes the interests statewide of New York's grocery stores, drug stores and convenience stores. Our members include chain and independent food retailers that account for a significant share of New York City's retail food market and the wholesalers that supply them, as well as drug stores and convenience stores.

Many of our members are small businesses struggling to survive as we muddle through the fifth year of the weakest of 11 postwar recoveries. As a result, weak consumer spending has become the new normal. In turn, unemployment remains stubbornly high in the City, at 8.6% in August 2013, compared to 7.6% in New York State and 7.3% nationally. On top of that, new laws and regulatory changes, no matter how well intended, have imposed significant costs on businesses as they comply with the Affordable Care Act, the City's paid sick law, a state minimum wage hike and state as well as federal income tax increases. The cumulative effects of these and other changes will raise the cost of doing business in the City and ultimately reduce business investment and therefore job growth. An unintended consequence is that we wind up hurting the very people we seek to help through policy changes.

Given this economic and policy context, this measure would further hurt our members, especially our small business members that are struggling to survive in a very low margin business and are seeking to avoid job cuts and price increases.

Under the bill, food retailers would be required to use containers for packaging food composed of a material that has been designated as a recyclable by the commissioner of sanitation pursuant to section 16-305 of the administrative code of the city of New York, where foods are packaged on the premises of a store. Under a recent rule amendment adopted by the department of sanitation, all rigid plastic items, including trays that have sidewalls designed to contain a product in the tray, were designated by the department as recyclable material.

Food retailers in New York City often use expanded polystyrene containers to package food in-store. Expanded polystyrene containers are a widely available low cost alternative. In addition, expanded polystyrene containers are safer for both customers and employees to handle than rigid plastic containers. That's because these containers are flexible and are regarded as impermeable. The impermeability means that "purge" (fluids that leak from meats, pork, poultry, etc. that can contain harmful bacteria) is unlikely to leak through an unbroken expanded polystyrene container. The flexibility means that an expanded polystyrene container is unlikely to break, which can cause bacteria

laden purge to leak. As a result, the prospects of employees or customers acquiring bacteria from purge and/or cross-contaminating other products (including produce) or people are minimized.

Rigid plastic containers, by contrast, are inflexible and therefore more likely to crack. When they crack, bacteria laden purge can leak. That increases the chances of employees or customers acquiring bacteria from purge and/or cross-contaminating other products (including produce) or people. In addition, when rigid plastic trays break, they form a sharp edge that can cut employees and customers that grip the tray.

Because of the foregoing issues, rigid plastic containers would have to be wrapped with extra plastic film and cracked containers would have to be replaced. This is on top of the original unit cost of rigid plastic containers, which is significantly higher than expanded polystyrene containers. Additionally, it is not clear that rigid plastic containers that meet the department's standards are widely available.

Food retailers are heavily dependent on the sale of store packaged, perishable foods to survive. That's because store packaged, perishable foods typically sell at a higher margin than groceries that are packaged and sealed outside the store. Moreover, the labor to package foods in-store can be very expensive. That means there's less cushion to absorb higher container costs. As a result, higher container costs for packaging in-store foods will reduce profits in departments that are essential for food stores to endure in a hyper competitive market. This will threaten the survival of grocery stores in a city with an acknowledged "food desert" problem.

Accordingly, we respectfully request that this legislation be amended based on the exemption language provided in subdivision b of section 16-329 of subchapter 9 of title 16 of the administrative code of the city of New York, as contained in Int. No. 1060-2013.

Based on the foregoing, the Food Industry Alliance, on behalf of its members, opposes adoption of this legislation. Thank you for your time and attention to our concerns.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.
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June 25, 2013

Brad J. Reid
Counsel
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Dear Brad:

As requested, attached please find a memo written for me in August 15, 2012 by the City of Los Angeles Bureau of Sanitation regarding the recycling of polystyrene (EPS) food containers in the City of Los Angeles. EPS food containers contaminated with food waste are not, in fact, recycled in any way by the City of Los Angeles.

Please note in particular, the paragraph where the Bureau says that the material recovery facilities (MRFs) with which they have contractual agreements "don't recover food trays, meat trays, or other EPS contaminated with organics as the recycling manufacturing processors will not accept them." In other words, the polystyrene food containers currently being addressed by Mayor Bloomberg's proposed ban, if contaminated with food waste, would not be accepted for recycling in the City of Los Angeles.

I am also attaching a price cost comparison between EPS food containers and non-foam containers which Miriam Gordon, from Clean Water Action, sent me last year. As you'll see, the price differential is negligible.

I hope that satisfactorily addresses the questions you have been receiving from your colleagues. Please do not hesitate to ask if I or my office can be any further assistance.

With best regards to Councilman Fidler,

Paul Koretz

PAUL KORETZ

City of Los Angeles
Bureau of Sanitation
SB-568 (Lowenthal) - Polystyrene (EPS) Food Container

As you likely know, Councilmember Koretz introduced and got approved by the full Council a resolution of support for SB-568, Senator Lowenthal's polystyrene (EPS) food container ban, which has made it successfully out of the State Senate, out of the Assembly Appropriations Committee, and now faces an Assembly floor vote.

The Councilmember would like very much to see this bill signed into law by the Governor and asked us to look into the claims being made by the opposition to the bill about EPS recycling rates and, further downstream, what becomes of "recycled" EPS. In other words:

1) What are the City's EPS recycling rates; particularly for food containers (doesn't food debris make them not-recyclable)?

Bureau of Sanitation (BOS) has contractual agreements with material recovery facilities (MRFs) to process, sort, bale, and sell the City's residential curbside blue bin materials from each of the wastesheds. In fiscal year 2010-2011, MRFs have reported an annual average recycling rate of 0.04% of EPS, which is 77 tons (6.4 tons/month). All of the EPS that the MRFs recover are bulky and clean ones. MRFs don't recover food trays, meat trays, or other EPS contaminated with organics as the recycling manufacturing processors will not accept them.

2) What is the recycled EPS recycled into?

EPS recovered from the MRFs are recycled into packaging materials, picture frames, jackets for dvd/cd, moldings, etc.

3) Is it sent off to another country and burned as fuel, as has also been claimed?

Most of the material is sold locally to be beneficially used and the MRF do report sales to China. The MRFs have stated that the recycled EPS is not burned as fuel. The MRFs sell recycled EPS to local facilities like Timbron International Inc. in Stockton and Maco Import and Export Inc. in Pomona and they process them to manufacture packaging materials, jackets for dvd/cd, moldings, etc.

4) Do you have statistics of the cost to clean up EPS from the City streets; in our rivers and waterways?

Bureau of Sanitation (BOS) installed catch basin screens in the stormwater drains to prevent trash from going into ocean. BOS serviced approximately 67,000 screens in 2011. The maintenance program includes cleaning and removing trash from the catch basin screens, consequently EPS debris gets removed as part of the maintenance program. The maintenance of 67,000 catch basin screens in 2011 amounted to approximately $2.58 million in expenditures.

Friends of the Los Angeles River (FoLAR) organized annual cleanup activities for the purpose of removing trash and litter from the Los Angeles River. During the cleanup process, FoLAR conducted waste characterization studies in four locations along the river: Lake Balboa, Fletcher Drive, Steelhead Park and Compton Creek. The volume of EPS through studies conducted by FoLAR ranged from 1% to 14% of the total waste cleanup event per individual site. The EPS composition percentages at Compton Creek made up 14% of the total trash sorted, and at Lake Balboa 1%, Fletcher 5%, and Steelhead had 1%.

5) Do you have information about schools recycling EPS food trays? How many are actually washed clean enough to be recycled?

BOS has conducted outreach events and provided blue bins to 692 LA unified schools. All recyclable materials collected from LA Unified Schools are sent to the City's contracted MRFs. Some of these schools have better recycling practices than others and volumes vary as well. When BOS teams go out to educate school children, they specifically instructed not to put foods and drinks in the blue bin because even small portions of this type of waste could contaminate the whole load collected from the blue bin. Since the food trays are contaminated with food, we discourage the students from depositing them in the blue bins.

MCS.
tabletop & wall decor by *design*
MCS Industries, Inc.

November 25, 2013
New York City Council
Committee on Sanitation & Solid Waste Management
250 Broadway
New York, NY 10007

Re: Int. No. 1060 – Restriction on the Sale or Use of Expended Polystyrene – Oppose

2013-719 Addition of Expended Polystyrene in Residential Recycling Programs – Support

I am Richard Master, the CEO of MCS Industries Inc., headquartered in Easton, Pennsylvania. MCS is the largest manufacturer of picture frames and wall décor in the United States.

Historically, picture frames have been made from wood and metal. The industry has, in the last decade, moved increasingly toward plastic resin as its primary material source. MCS is a vertically integrated manufacturer and produces most of its products from recycled plastic resins. Recycled EPS is a primary material source. In fact, we use over twelve million pounds of recycled resin per year and require nine million pounds to be recycled EPS.

I have brought with me samples of our products. They are available for sale at Wal-Mart, Target, Michaels, Home Depot and Lowe's stores and many other retailers.

MCS sources condensed EPS scrap from scrap dealers throughout the United States and overseas.

We need more material, not less. In fact, we just completed a transaction to import over 300,000 pounds a month from Pana Chemical of Japan to take condensed EPS fish boxes generated at the Tokyo Fish market into our North American plant.

A ban on EPS would significantly hurt our business and hurt our 900 employees in North America.

WE OPPOSE THE BAN AND STRONGLY URGE NEW YORK CITY COUNCIL TO ENACT EPS RECYCLING LEGISLATION.

Respectfully Submitted,

Richard Master, CEO

MCS Industries, Inc.

Easton, Pennsylvania

Good afternoon. I am Dr. George Cruzan. I have been a professional toxicologist for more than 35 years and have been certified in toxicology by the American Board of Toxicology for more than 33 years. Study of the health and environmental effects of styrene and research to further understand any effects has been a main focus of my career since 1990. I am here to tell the City that the assertions or allegations by Ron Gonen or Administration that there are any health concerns about styrene in polystyrene foodservice products, which have been used safety for 50 years and sanctioned by the US FDA, are unfounded. This is simply not true from any scientific standpoint.

Styrene was classified in 2011 as "Reasonably anticipated to be a human carcinogen" in the 12th edition of the Report on Carcinogens by the US Department of Health and Human Services (HHS). That evaluation is disputed by many and is currently under review by the National Academy of Sciences. However, foodservice products are not made of styrene, which is a liquid and would not contain any food. Foodservice products may be made of polystyrene, large chains of styrene molecules chemically bonded together.

Polystyrene has not been classified as a carcinogen by the National Institute of Health or any other body, despite what you may have read in the NY Post. Based on the science and testing, here's what government agencies and health experts do say about the safety of polystyrene foam products:

a. **NTP** - Dr. Linda Birnbaum, Ph.D., Director, U.S. National Toxicology Program was quoted widely in Associated Press reports in June 2011: "Let me put your mind at ease right away about polystyrene foam*" … [the levels of styrene from polystyrene containers] "are hundreds if not thousands of times lower than have occurred in the occupational setting...In finished products, certainly styrene is not an issue." *Source: news reports of Associated Press story, June 2011*

b. **Harvard Center for Risk Analysis** - A twelve-member panel of international experts selected by the Harvard Center for Risk Analysis reported in 2002 that the very low levels of styrene present in foods – whether naturally occurring or from polystyrene foodservice products – does not represent a concern to human health.

c. **American Cancer Society - Otis Brawley, Chief Medical Officer, American Cancer Society** -Bloomberg News in June 2011 reported that Brawley said, "Consumers don't need to worry about polystyrene cups and food containers..." Quote: "I see no problems with polystyrene foam* cups." *Source: Bloomberg News, June 2011*

d. **U.S. Food & Drug Administration** - Based on scientific tests over five decades, FDA has determined that polystyrene is safe for use in foodservice products. Polystyrene meets the FDA's stringent standards for use in packaging both to store and to serve food.

There is a small amount of unreacted styrene within polystyrene; some of this may migrate into food in the container. The results of a 2013 study show that the maximum amount of styrene that could migrate from polystyrene food-contact packaging is calculated to be 6.6 micrograms

(about 1 millionth of a teaspoon) per person per day. The FDA's acceptable daily intake value of styrene is calculated to be 90,000 micrograms per person per day. This demonstrates a safety factor of more than four orders of magnitude (10,000 times).

Several foods (e.g., strawberries, coffee, cinnamon) naturally contain styrene; the average consumption of styrene from natural food sources is about 9 micrograms/day. You can get 3000 more times exposure of styrene from cinnamon than from a polystyrene foam cup. Whether naturally occurring in foods and beverages such as strawberries, coffee beans or cinnamon, or produced synthetically, most people encounter styrene as a part of their daily lives, though in small amounts. Scientific studies have shown that the small amounts of styrene consumers may be exposed to are not harmful – styrene does not stay in the body for long and is rapidly metabolized or excreted.

In conclusion, no government agencies consider polystyrene to be a carcinogen, nor to pose any health risk.

NRDC
THE EARTH'S BEST DEFENSE

NATURAL RESOURCES DEFENSE COUNCIL

STATEMENT OF THE NATURAL RESOURCES DEFENSE COUNCIL BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON SANITATION AND SOLID WASTE REGARDING LEGISLATION TO BAN POLYSTYRENE FOAM FOOD AND BEVERAGE CONTAINERS IN NEW YORK CITY

November 25, 2013

Good afternoon, Chairperson James and members of the Committee.

My name is Eric A. Goldstein and I am a senior attorney at the Natural Resources Defense Council ("NRDC"). As you know, NRDC is a national, non-profit legal and scientific organization that has been active on a wide range of environmental health and natural resource issues for more than four decades. A major focus of our work has been the urban environment in general and New York City in particular since this is where our organization's primary office is located and where many of our staff and board members reside. Since the 1980's we have advocated for reforms in New York City solid waste policy aimed at increasing recycling, composting and waste prevention; reducing reliance on landfilling and incineration; creating a sustainable, economically sensible waste disposal system; and protecting the quality-of-life for all New York City neighborhoods.

We are pleased to be here today to strong support for City Council efforts to phase out the use and distribution of polystyrene foam food and beverage containers in New York City. Such a policy reform makes sense for several reasons. First, polystyrene foam contributes disproportionately to the city's litter problem. Polystyrene cups and food containers can be found on city streets, under park benches, along city beaches and in our waterways. They break into tiny pieces and are virtually impossible to clean up. In addition, polystyrene food containers can contaminate food waste collections that have been set aside for composting. And for a variety of reasons, recycling of polystyrene food containers is simply impractical, which is why the U.S. Environmental Protection Agency has noted that the level of polystyrene recycling throughout the United States is "negligible." Moreover, styrene – the main chemical constituent in polystyrene foam – has been identified by national and international medical panels as "reasonably anticipated to cause cancer;" health studies have linked exposures to styrene to increased illnesses among those exposed in occupational settings.

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Intro 1060-A would wisely advance the objective of phasing out polystyrene foam food and beverage container use in New York City. It would prohibit restaurants, cafes, delicatessens, coffee shops, grocery stores and vending trucks or carts from selling or providing single service food or beverage containers made of expanded polystyrene as of July 1, 2015, unless the Sanitation Commissioner makes a formal finding that expanded polystyrene can in fact be recycling "in a manner that is environmentally responsible, economically practicable, safe for employees involved in such recycling and without a significant amount of expanded polystyrene accepted for recycling being delivered to landfills or incinerators."

The proposal to ban polystyrene food and beverage containers is now being attacked by industry representatives seeking to protect their own economic interests, regardless of the impacts for New York City residents and the environment. In their campaign, they have been throwing around money and misinformation. The have hired high-priced consultants to lobby. They have reportedly contributed to political campaigns. And they have been making arguments that have been discredited around the nation.

Now at the 11th hour, they have convinced several Councilmembers to put forth an alternative piece of legislation that sounds harmless enough, but would actually move city solid waste policy in the wrong direction. The industry-backed proposal would call for the Commissioner to "designate" polystyrene foam as recyclable and therefore make it eligible for collection as part of the city's curbside recycling program. Apparently, the industry would then agree to subsidize the collection of these "recyclables" by paying the city's recycling contractor for up to five years.

But what would happen after the industry payments to the city's recycling contractor stopped? The city would be stuck with tons and tons of collected polystyrene – with no economical place to recycle it. For this and other reasons, the industry proposal is really a wolf in sheep's clothing. Nobody who cares about environmental protection, litter control, worker safety or city taxpayers should be fooled into supporting the industry-backed alternative.

The City of San Jose, with a population of close to one million, has recently enacted a ban on polystyrene foam food and beverage containers. Industry lobbyists made the same push there to "recycle" polystyrene instead of prohibit its use for food and beverage containers. Here is what the City of San Jose says on its website, in response to the question: "Why not just recycle foam food service ware?"

"A: San Jose 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 as part of the City's recycling program; however, there are no effective and efficient ways to recycling EPS. This is due to the low market value of the material and high rate of food contamination, which makes it impossible to recycle."

It is exactly for such reasons that nearly one hundred jurisdictions in the country, including Seattle, Portland, and San Francisco have already prohibited polystyrene food and beverage containers. And by the way, their restaurants and food service industries are doing just fine. And the other week, Albany County, New York, also adopted a ban, which applies to national chain restaurants within the county, on polystyrene food and beverages containers. MacDonald's, however, wasn't waiting for Albany – the nation's largest food retailer already announced that it is eliminated polystyrene beverage containers at all 14,000 of its restaurants, nationwide (having phased out polystyrene food containers in the early 1990s).

We do, however, believe that the language in Intro 1060-A must be tightened in one respect. The bill's wording needs be modified to make crystal clear that in order for the Sanitation Commissioner to find that polystyrene foam "can be recycled" (and thus could be eligible for designation as a recyclable in New York City's program), he/she should be required to specifically find that it is economically practical for the city to collect polystyrene food and beverage containers for recycling over the long-term – not just for several years during which the industry would subsidize the program. Subsidized collection of polystyrene food containers is not recycling.

Accordingly, the language of proposed Section 16-329(b) should be amended to clarify that "economically practical" means "economically practical" for at least the term of the city's existing recycling contracts and that industry subsidies are insufficient to establish that the collection for recycling is in fact "economically practical" over the long term. Moreover, this section should specifically require a finding that food and beverage containers – not expanded polystyrene foam more generally – can actually be recycled in an economically practical way; such wording is necessary because the proposed legislation singles out food and beverage containers specifically and because experience around the nation has shown that this aspect of the polystyrene waste stream is not able to practically be recycled in the real world.

Thank you for the opportunity to testify today. We appreciate the efforts that you, Chair James, and the members of this committee have made over the years to advance environmentally sound, equitable and cost-effective solutions to the solid waste challenges facing New York City. In the days and weeks ahead, we look forward to working with you, with Jarret Hova and with the other members of the Council's staff to advance this important legislation.

San Jose approves foam food container ban

By John Woolfolk

(mailto:jwoolfolk@mercurynews.com?subject=San Jose Mercury News:) jwoolfolk@mercurynews.com (mailto:jwoolfolk@mercurynews.com)

POSTED: 08/27/2013 04:23:14 PM PDT | UPDATED: 3 MONTHS AGO

SAN JOSE -- San Jose will become one of the largest cities in the nation to ban plastic foam food containers when a law the City Council passed Tuesday takes effect next year.

The council voted 9-2 to approve an ordinance that would ban the foam containers starting in January for large multistate restaurant chains and extend to small neighborhood eateries and other businesses a year later.

The plastic foam -- technically expanded polystyrene, or EPS -- is popularly known as Styrofoam. However, Dow Chemical Co., which trademarked that name, says it doesn't manufacture food containers.

San Jose is one of the largest among dozens of cities and counties including 70 in California that have approved bans and restrictions on the foam containers, which environmentalists say become more persistent and pervasive pollutants that harm wildlife than other packaging material that breaks down more easily.

"All litter is not equal," Councilwoman Rose Herrera said. "Polystyrene is a big offender. That's why we're taking aim at it. I'm very proud of us for taking the lead."

Councilmen Pete Constant and Johnny Khamis were opposed, siding with restaurant groups and foam container makers who argued the ban was an unnecessary burden on businesses.

Khamis was troubled that the city seems to be on a tear to forbid all kinds of things, from plastic bags and now foam containers to talk of banning menthol cigarettes and even soda pop at city properties. He said the city instead should try "to get out of the way of business" it says it wants to attract.

"We're going to become Ban Jose instead of San Jose," Khamis said.

Laws approved elsewhere range from limited restrictions such as Los Angeles County's applying to government facilities to full retail bans like those in Los Altos Hills, Fremont, Oakland, San Francisco and now San Jose.

Critics argued the foam material can be recycled and is collected in some 65 California communities. But city officials said the collected material often ends up in landfills because there's little market for the used and soiled plastic foam. City officials said as more cities ban plastic foam, costs for environmentally friendlier alternatives will drop.

"As we all embrace this," Herrera said, "the cost will come down."

Contact John Woolfolk at 408-975-9346. Follow him on Twitter at Twitter.com/johnwoolfolk1 (http://Twitter.com/johnwoolfolk1).

Why did San José adopt a Foam Food Container Ordinance to phase out expanded polystyrene (EPS) foam food service ware, commonly known as Styrofoam™?
Litter impacts our communities and threatens water quality and wildlife in our local creeks and Bay. Twenty-six creeks in the Bay Area, including Guadalupe River and Coyote Creek in San José, have been declared as impaired by trash by the State Water Resources Control Board. The EPS phase out will help decrease litter in these creeks.

▼ Environment - Litter Prevention - EPS

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1. **Why did San José adopt a Foam Food Container Ordinance to phase out expanded polystyrene (EPS) foam food service ware, commonly known as Styrofoam™?**
   Litter impacts our communities and threatens water quality and wildlife in our local creeks and Bay. Twenty-six creeks in the Bay Area, including Guadalupe River and Coyote Creek in San José, have been declared as impaired by trash by the State Water Resources Control Board. The EPS phase out will help decrease litter in these creeks.

2. **Why does the ordinance only focus on EPS foam food service ware, not paper or rigid plastic containers?**
   Paper, other natural fibers, and rigid plastic do not present the same kind of litter problem for our creeks. Paper and natural fibers degrade and, thus, are not persistent in the environment. Rigid plastic is highly durable but does not break apart the way EPS does. Reducing the use of EPS foam food service ware will decrease the amount of this particular pollutant in our environment. EPS foam food containers, such as cups and clamshells, float when in water, making them a highly visible form of litter. Since EPS food containers tend to break into many small pieces and never degrade, they are easily carried by street storm drains to local rivers and creeks, and eventually impact the San Francisco Bay and the ocean.

3. **Who is affected by this ordinance?**
   In San José, all food establishments are required to switch to a non-foam food service ware alternative, including restaurants, delis, cafes; supermarkets and grocery stores that serve prepared food; mobile and street food vendors.

4. **When will this change take affect?**
   Multi-state restaurant chains are required to eliminate the use of EPS foam food ware by January 1, 2014. All others, including small neighborhood restaurants, have an additional year to transition, and will need to switch by January 1, 2015. Any current supply of EPS food ware will have to be used up before these effective dates.

5. **Who is exempt?**
   The ordinance does not apply to non-profits, public schools and other State and Federal agencies. The ordinance allows San José restaurants with gross incomes under $300,000 to apply for a financial hardship exemption. Additionally, if a restaurant requires a type of packaging that is unavailable in any other kind of material they may apply for a unique packaging exemption.

6. **How does a restaurant apply for an exemption?**

Restaurants applying for either a unique packaging hardship or a financial hardship exemption will need to complete and submit the Exemption Form. The exemptions are valid for one year and need to be renewed annually.

7. **What are the alternatives to EPS foam food service ware, and where can I purchase them?**
   There are many alternatives to EPS. Some are paper or rigid plastic, and others are made of organic materials such as corn, potato, or sugar cane fiber. Restaurant supply stores and common retail stores including Costco and Smart & Final carry alternative products. As a courtesy, the City has developed a list of vendors. Foam Food Container Alternatives and Pricing

8. **Do alternative products cost more than EPS?**
   Costs will depend on where, what, and the volume of your purchase, with most products competitively priced. In some cases, paper and rigid plastic can be less expensive than EPS. The City of San José conducted a cost study and will continue to update pricing information twice a year to help restaurants find the best prices. Additionally, restaurants can join cooperative organizations in order to purchase in bulk which can decrease cost. Foam Food Container Alternatives and Pricing

9. **What is the City doing to enforce existing litter laws?**
   City inspectors are currently enforcing city ordinances related to trash management and littering. We will continue to enforce litter laws and trash management requirements by working with residents, businesses, and trash haulers to ensure that everyone is subscribing to an appropriate level of recycling and garbage service and that the trash is properly stored, collected, and transported to recycling centers or landfills.

10. **How will this ordinance be enforced?**
    During the first year of implementation, the City will rely on education and outreach, working with individual restaurants to achieve compliance. In two year's time, the City will work with Santa Clara County restaurant inspectors to ensure restaurants switch to an alternative. Thereafter, non-compliant restaurants will be subject to increasing levels of enforcement that may include citations.

11. **What other options does the City have to deal with litter?**
    The City has a comprehensive plan to reduce trash and litter. The plan includes: preventing trash before it becomes litter, intercepting litter before it reaches our creeks, and cleaning our creeks. Reducing litter at the source, such as with product bans, is just one way to prevent trash from becoming litter.

12. **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 as part of 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 impossible to recycle.

13. **Have other cities phased out EPS foam food service ware?**
    With San José's ban, 71 California cities and local agencies have now adopted EPS bans according to Californians Against Waste.

- DOT - Signals
- DOT - Storm Sewer & Drain Maintenance
- DOT - Street Sweeping
- DOT - Traffic Safety
- DOT - Trees & Landscape
- Economic Development
- Emergency Services
- Employee Relations
- Employee Relations - Whistleblower Hotline
- Environment - Litter Prevention - EPS
- Environment - Recycling & Garbage - Bring Your Own Bag
- Environment - Recycling & Garbage - Events & Venues
- Environment - Recycling & Garbage - Residents
- Environment - Wastewater - Businesses - Dental Offices
- Environment - Water & Sewer Utilities - Stormwater
- Environment - Water & Sewer Utilities - Wastewater - Businesses - Restaurants
- Environment - Water Conservation
- Environment – Recycling & Garbage – Catalog Choice
- Environment – Water & Sewer Utilities – Drinking Water – Customer Service
- Environment – Water & Sewer Utilities – Drinking Water – Water Quality
- Environment – Water & Sewer Utilities – Drinking Water – Water Supply
- Finance
- Finance - Marijuana Business Tax
- Fire - Fire Prevention & Permits
- Fire Department
- Fire Department - Recruitment
- Gardening & Composting - Home Composting
- Green Vision - Goals - FAQs
- Green Vision - Reports & Publications
- Housing
- Housing - Apartment Rent Ordinance
- Human Resources
- Independent Police Auditor
- Minimum Wage - Administrative and Enforcement Related
- Minimum Wage - Business Tax Related
- Minimum Wage - Employee Related
- Minimum Wage - Employer Related

Albany County puts lid on Styrofoam

Albany County's ban follows public debate
By Alysia Santo
Published 11:12 pm, Tuesday, November 12, 2013

Albany

Styrofoam containers, the standard for take-out coffee and food, will soon become a rarity in Albany County.

A new law will prohibit chain establishments from selling any prepared food or drink in a polystyrene foam container, commonly known as Styrofoam. The ban, effective in six months, passed the County Legislature Tuesday night in a 24-12 vote and only applies to businesses with at least 15 locations nationally.

Before the vote, there was over an hour of public comment in the packed legislative chamber as two dozen people went before local lawmakers to express their opinion. There were six people who spoke against the ban — all members of the industry or lobbyists, a point noted by many of the 18 people who spoke in support of the ban.

Styrofoam is difficult to recycle, doesn't decompose and makes up a significant portion of the trash polluting local waterways, noted some lawmakers, and there are also potential health risks. Styrene, which is used to make polystyrene, is listed as a possible carcinogen by the International Agency for Research on Cancer.

But the science is still debatable, said Republican Legislator Deborah Busch, who said she voted against the law because alternative containers are more expensive and will raise costs for businesses. She also felt the county didn't give enough consideration to recycling proposals offered by industry experts.

And while small businesses were spared, Democratic Legislator Douglas Bullock, who sponsored the bill, said he hopes to expand the ban countywide. Bullock said forcing chains to buy alternative containers, like paper products, should lower the costs enough that small businesses could eventually make the switch without decimating their profits.

"For now, we're asking those who aren't affected by this ban to voluntarily comply," Bullock said. "This is really aimed at our fast-food, throwaway culture."

Albany joined at least 100 other municipalities across the country that have also limited the use of Styrofoam, including Suffolk County and Glen Cove in New York.

A Styrofoam ban was introduced at the city level in 2012, but Albany's Common Council reconsidered that approach because there wasn't a clear way to enforce it.

The Albany County Department of Health will ensure compliance with the new law.

Some local businesses supported the ban, like Price Chopper. Mona Golub, vice president of public relations and consumer services, said the ban would not substantially increase their costs. "We don't use Styrofoam a lot," she said.

Yet for other companies that heavily rely on Styrofoam, like Dunkin' Donuts, which has 20 sites in the county, the changes will be quite an overhaul, though it has already faced similar bans in other locations.

"We remain committed to finding a long-term alternative to the current disposable cup options," said a prepared statement from Michelle King, director of global public relations.

Kimberley Smith, from Berne, said she drove 45 minutes to the meeting because she is sick of seeing Styrofoam containers strewn about. "Some things we don't have choices about, but this is something we can actually change," Smith said.

Fines start at $250 for the first offense and $1,000 after three or more.

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Goldstein, Eric

From: kendallgaia@gmail.com on behalf of Kendall Christiansen <kendall@gaiastrategies.com>
Sent: Wednesday, September 25, 2013 5:33 PM
To: Gonen, Ron
Subject: McDonald's PS cups going/gone

Plastics News

McDonald's to phase out PS hot beverage cups

By: **Jim Johnson**

September 25, 2013

McDonald's Corp. aims to eliminate the use of millions of polystyrene hot beverage cups in the United States following a successful large scale test of paper cups.

With more than 14,000 restaurants around the country, the decision is huge.

The nation's largest restaurant chain has been testing double-walled paper cups for hot beverages at a couple of thousand restaurants since early 2012, according to As You Sow, a non-profit group that revealed McDonald's decision on Sept. 25.

As You Sow, for years now, has been pushing McDonald's to do away with the PS cups. That included a shareholder resolution at the company's 2011 annual meeting requesting the firm examine its beverage containers with an eye towards the environment.

That resolution did not pass, but did gain 29.3 percent support, the group said. And by the following year, the restaurant chain started testing the double-walled paper cups at sites primarily along the West Coast, As You Sow indicated.

Seeing what it believed was progress, As You Sow did not put the matter before shareholders again in 2012.

Ofelia Casillas is media relations manager for McDonald's at the company's headquarters in Oak Brook, Ill. That's the same place where folks from around the country attend Hamburger University as part of their management training.

"Moving to a paper-based cup across 14,000 restaurants translates to a significant impact," Casillas said in an email interview.

"The reasons for this change include customers' changing preferences and increased recyclability," Casillas said. "The decision comes after testing paper cup designs in 2,000+ stores on the West Coast for the last year-and-a-half."

›ach is going nationwide.

ıas made a great start by phasing out foam," said Conrad MacKerron, senior vice president for As statement. "We hope they will also incorporate recycled fiber in the cups and develop on-site ect and recycle food service packaging."

y from PS for hot beverage cups comes amid a backdrop of municipal regulation of the material ›f the country.

ia cities have banned or restricted its use in food packaging, As You Sow indicated, and New ˈor Michael Bloomberg is proposing his own ban.

ill serves large numbers of cold drinks each day in other plastic cups.

ve have only identified fiber as an alternative material for the hot coffee cup. We're continuing to lternatives for our large cold cups," Casillas said in the email interview.

› move away from plastic coffee cups also looks to have an impact beyond the United States, the ; manager said, as all major McDonald's markets will use a paper coffee cup.

› move away from PS coffee cups comes more than a generation after McDonald's famously :he material in its clamshell burger containers in 1990.

ww.plasticsnews.com/article/20130925/NEWS/130929944

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November 25, 2013

NYC City Council
Committee on Sanitation & Solid Waste Management

Regarding: Intro No. 1060-A restricting the sale or use of certain polystyrene items

Good Afternoon Chairwoman James and Members of the Committee:

Thank you for the opportunity to testify today. My name is Thomas Outerbridge. I am the General Manager for Sims Municipal Recycling. We have a long term contract with the NYC Department of Sanitation (DSNY) to receive, process and market all of the Metal, Glass and Plastic collected by DSNY through its curbside recycling program. As a result we have a significant interest in the recyclability of the waste stream in general, and in the make-up of the curbside recycling stream in particular.

Some of you may know, we are in the final days of completing construction of a major new processing facility in Sunset Park, Brooklyn that will serve the City's recycling program for decades to come. We have every interest in maximizing the amount of recyclables we receive, and we hope to see significant increases through a number of means. First and foremost, is through increased participation. We know approximately half of currently designated recyclables still end up in the trash. Second, is by increasing the array of materials New Yorkers are allowed to place in their recycling bins. Last May, we agreed with DSNY on a major expansion of the types of plastics that are accepted in the program. Third, is by increasing the overall recyclability of the consumer product stream, effectively moving in the direction where more and more of what the typical household produces belongs in the recycling bin.

My testimony today focuses on Intro 1060-A. However, I want to briefly address the Pre-considered Intro, which instructs DSNY to designate Expanded Polystyrene (EPS) as a recyclable material. If the intent is for DSNY to designate EPS as a recyclable material to be included in the curbside program, we, as the company that must receive, process and market the material, would have to say that at this point we that cannot accept it. Likewise, Intro No. 380 calls for a pilot program for recycling EPS. If the expectation is that material collected through this pilot program will be delivered to us for processing and marketing, I have to say again that at this point in time we cannot accept it.

Intro 1060-A calls for restrictions on the sale or use of certain polystyrene items. In principal, this bill represents the type of law we like to see. Essentially it says to manufacturers, packaging designers, and retailers, if you intend to sell a product or package in New York City, you need to make sure it is recyclable in New York City. We recognize there are factors other than recyclability that must be considered, in particular issues of product safety. However, by and large, where there are viable recyclable alternatives for a non-recyclable product or package, we support bans, incentives, or other measures that favor the recyclable option.

New York City is a large enough market that the City can drive innovation. We, as the City's processor, have been approached by a number of packaging manufacturers who want to explore with us the real-world recyclability of their products or proto-types. So, companies are investing in this effort of their own accord, in order to elevate the sustainability profile of their products. And I have no doubt many more product designers, manufacturers, and others will become engaged if they believe the City is prepared to ban, tax or otherwise restrict a product that is not recyclable, or, for that matter, favor a product that is recyclable, through its procurement practices for example.

The implementation time frame of July 2015 as set forth in Intro 1060-A seems reasonable to me, as well as the recent modification to the bill that states the restrictions will not go into effect if, prior to July 2015, the Commissioner of DSNY has designated EPS as a recyclable material. This provides the EPS industry the time needed to create the conditions for viable, real-world recycling, if they are committed to making that happen.

My thanks again to this Committee. On behalf of my company and myself personally, I want you to know that we sincerely appreciate the ongoing interest of this body and your staff in dealing with the not-so-glamorous, but necessary, and complicated, task of improving our solid waste management and recycling practices here in NYC.

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IN URBAN LIFE

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Statement by CIVITAS Citizens, Inc., made on November 25, 2013, before the Committee on Sanitation and Solid Waste Management of the New York City Council in support of Proposed Int. No. 1060-A and Int. No, 369 and in opposition to Int. No.380 and a Preconsidered Int. No.

Good afternoon. I am Felipe Ventegeat, President of CIVITAS Citizens, Inc. (CIVITAS). I am pleased and honored to make this statement before the Committee on Sanitation and Solid Waste Management of the New York City Council relating to polystyrene. CIVITAS supports the proposals to ban polystyrene, Int.Nos. 1060-A and 369, and it opposes the proposals to allow polystyrene to be permitted on a pilot basis as part of the New York City recycling program.

CIVITAS is a not-for-profit organization, established in 1981, dedicated to the improvement of neighborhood life in the Manhattan communities of the Upper East Side and East Harlem. Our four main areas of concern are land use, public transportation, streetscape and the environment.

As part of its commitment to improving the environment in East Harlem and the Upper East Side, CIVITAS has put in motion a three-pronged recycling program to meet the challenge laid down by the Mayor of doubling the City's rate of recycling by 2017. First, we have established a program to bring recycling education to the public schools of East Harlem and the Upper East Side. We began in East Harlem, and since October, CIVITAS volunteers have been partnering with the skilled staff of Cafeteria Culture at PS 7 on 120th Street to make recycling part of the students' daily lives in the challenging setting of the school cafeteria. The hope is that lifelong lessons about the importance of recycling to our city and planet will take hold and that these students will bring those lessons home to their families. Our second initiative is to tackle the difficult, but no less important, task of making it possible for residents of New York City Housing Authority sites in our two communities to engage in recycling, like everyone else. We have found that the will and desire are there, but there is no recycling infrastructure in place. Our third program is directed at improving the recycling rate in the many apartment buildings within our geographic area of concern. To this end we began in the Upper East Side by partnering with the Sanitation Department to facilitate participation in its well thought out Apartment Building Recycling Initiative.

The overarching goal of the City's recycling effort should be to reduce dramatically the amount of waste that ends up in toxic landfills. We are running out of land available for this purpose. Communities elsewhere who now process New York's solid waste, will, sooner or later, just as in Staten Island, balk at allowing their landscape to be plundered in this manner. It is well established that the methane gases released from these landfills are at least 20 times more damaging with respect to global warming than carbon dioxide. It is equally well established that polystyrene placed in landfills does not decompose in any meaningful sense. The estimates are that they will sit there for 500 or a thousand years and more.

Legislation that will ban the use of polystyrene in our city is urgently needed. Styrene is a fossil based chemical that has been designated by respected scientific authorities as a carcinogen. There is little question that when they come in contact with a heated food or beverage styrene and benzene chemicals leach from the container. Thus, it is a great source of comfort to know that earlier this year New York and five other major cities joined together to announce that they will no longer use polystyrene trays for serving foods in their school cafeterias and that they will act as a joint purchasing agent for a newly designed and safe alternative. Why then should polystyrene be allowed in food establishments outside the schoolhouse? The dangers to the health of consumers is no less outside the schoolhouse than within. Indeed, there is a question of environmental justice that lurks beneath this issue. The principal advantage of polystyrene products is their low cost. You don't find polystyrene coffee cups in Starbucks. You are almost certain to find it in fast food outlets in lower income communities.

The proposed legislation that would compel the Sanitation Department to treat polystyrene as a recyclable, apparently on a pilot basis, is misguided. It merely succeeds in returning the same toxic product into commerce to be used by consumers who probably will feel assured that it is somehow better for them since it has been recycled. What is more, the recycling process for polystyrene is cumbersome and impractical. Guidelines to municipalities put out by manufacturers of this product, warn that it is necessary first to scrub food containers clean and place them in clear plastic bags, separate and apart from all other recyclables. Indeed, municipalities are told that there should be separate collection bins, one for polystyrene food products and another for polystyrene used as packaging. Anyone who has dealt with recycling understands that success depends in large part on making the process clear and simple. It is difficult enough to educate citizens to put designated recyclable items in green bins and blue bins. That is one reason why many states and municipalities have opted for a single stream of recyclables in order to increase the level of participation. The thought of requiring residents to sort out polystyrene from all other recyclable boggles the mind. The end result is that most polystyrene products will end up in landfills or float into the air and surrounding waters.

For all of these reasons, CIVITAS urges that polystyrene be prohibited for food, beverage and household use.

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School of Design Strategies
Urban Design (BS)
Design and Management (BBA)
Environmental Studies (BS)
Integrated Design (BFA)
Transdisciplinary Design (MFA)
Foundation
Theories of Urban Practice (MA)
Design and Urban Ecologies (MS)
Strategic Design and Management (MS)

Five years ago, the School of Design Strategies at Parsons, the New School for Design began an exploration with Styrofoam Out of Schools and several New York City public schools to investigate how we could use design to reduce waste in New York City.

Our work ranged across four different courses within Parsons and engaged over 100 Parsons undergraduate students conducting research, ideation, prototypes, and co-design workshops with NYC public school students from kindergarten through high school.

Our Parsons and public school students were proud that their design work played an instrumental role in the development *Trayless Tuesdays*, reducing polystyrene waste by 2.4 million lunch trays per month. We feel a duty to these students who care so much about their city to make a difference here today.

As designers and educators, we know that there are no easy answers or quick solutions to the many problems that modern cities face. We know that, often, one solution can lead to consequences somewhere else. But designers have a responsibility to actually understand all of the issues and complexities and to *prioritize* based on deep analysis. Through our work we have found that the utmost priority is the health of our environment and our citizens who depend on it. **We must prioritize this over all other factors.**

During our work, one of the most disturbing discoveries was the ratio of usefulness to consequences in the lifecycle of polystyrene containers. No other product on earth has such an absurd ratio. A polystyrene container has an average useful life of about 30 minutes or less, but lasts over one million years in its non-useable state, as waste. Think about this ratio: 30 minutes of use for an eternity of toxic waste.

In our Urban Design program, we ask our students to re-imagine the city. Today we ask this of you. How will you re-imagine our great city?

We already have an example of the power of government to produce innovation and re-imagine our world. LED technology has been in existence for 50 years. And yet only within the last three years has LED technology begun to reshape our homes and institutions with truly innovative developments. The kickstarter? Legislation! When congress signed into law the ban on incandescent bulbs over 40 watts, they also began a revolution in design, producing breakthroughs that we could not even imagine five years ago. In the realm of food container waste and recycling, we already have scientists and designers at work, developing new compostable materials, corn-based containers, and new ways to use paper and bamboo fibers. But like the story of LED technology, innovation requires the forces of government, business, science and design to work together. Let us work together today to make New York the most innovative city in our nation.

On behalf of the faculty, students and future designers of our city, I fully support bill No. 1060-A., and ask for your vote of "Yes" to make this moment the tipping point. This is our moment to change the story and allow groundbreaking innovations to rise, reducing one of the most toxic and most permanent waste products on earth.

signed:

Joel Towers
Executive Dean, Parsons The New School for Design

Alison Mears AIA LEED AP
Dean, School of Design Strategies
Parsons The New School for Design

Emily Moss
Director, BS Urban Design/BS Environmental Studies
Parsons The New School for Design

Jessica Corr
Assistant Professor of Design, School of Design Strategies
Parsons The New School for Design

November 25, 2013
Madam Chair, Committee Members and staff, thank you for allowing us this opportunity to speak in support of Intro 1060 A.

Cafeteria Culture, founded as Styrofoam Out of Schools, is a grassroots organization working creatively to eliminate polystyrene trays and to achieve zero-waste cafeterias in New York City's public schools. We are the recipient of a 2013 Environmental Quality Award from the US Environmental Protection Agency for reducing polystyrene lunch tray usage in NYC schools.

Our unlikely partnership with the Office of School Food and Parsons, resulted in *Trayless Tuesdays*, which to date, has eliminated over 80 million polystyrene trays from manufacturing, landfills, incinerators and our children's lunches with *no additional cost to the city*. And as you all know, Department of Education's current RFP for a *compostable plate,* made in partnership with 5 other cities, will leverage purchasing power to lower costs, making a healthy alternative an affordable option to replace 2.9 million polystyrene trays used per day.

This remarkable decision by the second largest US food service in alliance the 5 other largest US school districts was not based on environmental concerns alone, but with health considerations as key incentives, with intention to serve school food on safe plates for students across the country. We are thrilled that School Food listened to the concerns of parents.

The chemical styrene, a major component of polystyrene food containers, has been categorized as a "reasonably anticipated to be carcinogen" by the US Department of Health and Human Services. Styrene is toxic and polluting from the start to and forever thereafter.

- In production it is hazardous for workers and creates hazardous waste;
- 40 years of studies show that styrene leaches from containers into our food; and
- After a usage time of about 30 minutes, whether incinerated, landfilled, littered, or recycled, will leave a trail of toxic particles that will last *forever*.

Thirty some NYC public schools have already been self-funding the additional cost of compostable trays, thanks to parents who could afford alternatives. Most NYC public school parents, however, do not have the extra funds to switch out the trays. To date, I have yet to meet a parent, regardless of income, who when educated on styrene, wants their child to continue eating school food off of a polystyrene tray.

Serving hot, acidic and fatty foods in styrene containers is a threat to the health of our children *and* families, especially to those in low-income neighborhoods, who are more likely to be to be eating out of these toxic containers on a regular basis. Many families are yet to be informed about the dangers of styrene leaching into food, and may still not know that microwaving food in styrene containers is not advisable.

The disparity of environmental education within our city is tremendous. I witness this regularly, while teaching in schools and presenting to parents. Low-income neighborhoods are still full of delis, bodegas and restaurants serving hot food in polystyrene, while middle to high-income

neighborhoods have foam-free Starbucks and Whole Foods and probably customers who think that people don't even use foam containers any more.

Nobody has yet to prove that styrene food containers will ultimately cause cancer, just as 40 years ago, there was no proof that smoking caused cancer. Forty years passed before the tobacco industry could be held accountable and there was finally enough evidence to make the case. Just imagine how many lives would have been saved during that period, if legislators had decided not to wait.

We now have 40 years worth of studies about styrene leaching into foods from polystyrene. To dismiss these as unimportant is exactly what DART and the American Chemistry Council hope legislators will do. They pay strategist big bucks to persuade elected officials that a food container made of toxic styrene should be considered "good," and worthy of recycling.

I n 2008-09, the recycling of polystyrene lunch trays was tested with 100 NYC schools and failed. Polystyrene must be clean to be recycled. So now, DART says they will experiment, right here in New York City, and try to find some new method to make this work.

I personally have washed thousands of very dirty, used polystyrene school lunch trays for constructing giant puppets. Tomato sauce, ketchup and salad dressing oil do not wash off easily from these trays and not with cold water. It takes very hot water and plenty of scrubbing or high water pressure to get dirty polystyrene trays clean.

Who will be monitoring the wastewater from their DART 's proposed recycling experiment? If the water needs to be hot and trays are cleaned with high pressure, who will be responsible for making certain that tiny toxic styrene particles are not entering our waters, threatening our marine food chain.

Nobody should be eating or drinking from containers made of styrene, not our kids, not our parents, and not our neighbors! We have a choice. Creating a climate resilient city will take innovative design strategies and strong communities. This is not just in terms of rethinking construction and energy but, a reconsideration of consumption and post-consumption choices as well. Polystyrene is outdated and destructive to both our health and natural world. It no longer belongs in our city's waste management plan and has become a sign of stigma, associated with food service for low-income populations.

We urge you to vote for Intro 1060- A and to take this incredible opportunity to set our city as a leader in climate smart policy, inspiring other cities, who will surely follow suit.
Thank you.

Debby Lee Cohen and the Cafeteria Culture Team
Director and Founder, Cafeteria Culture (a partner project of Fund for the City of New York)
Member of the Manhattan Solid Waste Advisory Board

Statement on Proposed Int. No. 1060-2013 and Int. No. 380-2013
Nancy Easton, Founder/Executive Director of Wellness in the Schools
November 25, 2013

Good Afternoon and thank you to the Sanitation Committee and Committee Chair James for allowing me to testify today in support of the ban on EPS (Styrofoam) food service packaging and against the EPS recycling designation and pilot program. My name is Nancy Easton and I am the founder and Executive Director of Wellness in the Schools, or WITS, a non-profit program born in NYC that supports healthy eating, environmental awareness, and physical fitness as a way of life for kids in public schools. One of our first initiatives as an incorporated non-profit, back in 2005, was to work with schools, parents, and the city to ban the use of toxic cleaning chemicals in our schools. For years we have worked with and supported the organization Styrofoam out of Schools (now Cafeteria Culture) to eliminate waste in schools and to reduce and finally eliminate the use of Styrofoam trays in school cafeterias.

Over the last few years WITS has worked with Styrofoam out of Schools to pilot compostable tray programs, Trayless Tuesday initiatives, and other waste saving and Styrofoam reducing measures with great success. We couldn't have been prouder when we heard the City Council was moving forward with Intro 1060-2013 to ban food service packaging made of Styrofoam, and we were shocked to hear the ban was now being questioned and that a "recycling pilot" was being considered by the City Council- a pilot pushed forward by Dart, one of the nation's largest makers of foam cups.

How can we support a ban of toxic cleaning chemicals in our schools, and consider continuing to allow Styrofoam, a product the US Department of Health and Human Services' National Toxicology Program has said is "reasonably anticipated to be a human carcinogen"? One major initiative WITS has been proud to be a supporter of, has been expanding composting in our public schools. Thanks to active parent groups like those in Manhattan's District 3, composting pilot programs have flourished inside schools- teaching students to separate their waste and encouraging them to reduce their non-recyclable product use while nourishing new plant growth with their food scraps. Presently, the number one contaminant in schools that practice composting is from Styrofoam trays. The toxic chemicals from the petroleum-based containers, including styrene and benzene, can render entire bins of ground ready compost

useless- forcing schools to put more waste into landfills. We want our children to grow up to be environmentally aware and responsible adults, part of this includes learning about waste, recycling, and composting at an early age. The children learn responsibility, how to differentiate products, the science of composting and soil health, and a myriad of other life skills by practicing sorting, recycling, and composting. We do not believe Styrofoam is part of that ecologically responsible equation.

Although the recycle-ability of Styrofoam is being argued by some here today, the recycling of Styrofoam has a track record that cannot be ignored. In 2008 recycling pilot, just like the one we are discussing today, was launched in 100 NYC schools and failed. Why do we want to continue experimenting with a flawed design? Similar results have been found in other major cities- In 2011 Los Angeles attempted to recycle Styrofoam, or EPS, and of the 32 communities that had started in the program, at the time of the study 8 had discontinued it, 15 were sending the "recyclable" material to landfills, and only 7 were sending any EPS materials to a recycling facility-ALTHOUGH THIS DID NOT INCLUDE ANY FOOD CONTAINERS. When Styrofoam is stained by food, it becomes nearly impossible for even the few skilled EPS recycling facilities to recycle the product. If students are eating are eating processed nuggets and packaged PB&J's, food staining may be less of an issue, but with more and more students eating scratch-cooked meals from the WITS supported Alternative Menu, including items like vegetarian chili and pesto chickpeas, staining from homemade sauces and dressings is unavoidable.

Finally, the legislation to eliminate Styrofoam is a crucial part of supporting equity in our public school system. While parents in more affluent neighborhoods such as the Upper West Side or Brooklyn's Park Slope have successfully been able to raise funds to replace Styrofoam with compostable trays, many parent bodies in other neighborhoods are unable to do the same. This leaves children in high poverty communities vulnerable. We need to pass Intro 1060 to ban Styrofoam food trays and dismiss Intro 380 to allow another Styrofoam pilot experiment in our public schools. These actions together will support the health of the environment, the health of our children, and take a stand for ecological and resource equity across our public schools.

Madam Chair, Committee Members and staff, thank you for allowing me this opportunity to speak in support of a citywide polystyrene ban.

The people deciding the result for this case aren't the people that are going to have to eat off these trays at least once a day until they graduate high school. This could be up to 13 years which would be 2340 polystyrene trays or 4680 for the children that eat breakfast at school too. Do you want to stop the use of styrene before more people die from leukemia and lymphoma since styrene is a probable carcinogen or, do you want to wait another 10 years and have the deaths of all the people who died from using too much polystyrene on your hands because you could have done something to greatly decrease the chance of that happening? The people who this decision affects the most aren't even the judge or jury for this case it's the

a) poor underserved New Yorkers who mostly eat at places that are cheap and so they use cheap serving stuff such as polystyrene containers and;

b) kids who are going to have to continue using polystyrene if it is continued to be allowed. I don't see anyone from my age demographic sitting on that jury and I'm the one that this decision will affect into the much more distant future.

Perhaps kids can't be the ultimate deciding force on this decision but that doesn't mean that kids shouldn't get a say at all. I am informed enough to know that I don't want to ruin my health and my environment by continuing the use of styrofoam. I dont want to use a container once and then have it sit around for the next billion years because it's non renewable and not biodegradable. I don't want to have to worry every time I buy a coffee or hot chocolate that I'm going to be bringing another piece of trash into use that I will use for 10 minutes but will remain on earth for 10 billion years. I don't want to have to be in a situation where if I want a meal or a hot drink, I'm going to get a portion of extra large poisonous styrene along with it. I don't want to have to give up eating at a huge amount of restaurants, not because their food is bad, but because their packaging is bad. At least I'm fortunate enough to be able to eat at places where I won't have to worry about this, but what about people who are in a less financially fortunate situation than me and have to eat at these places? What if I couldn't afford to nourish myself at a restaurant that I knew wouldn't give me literal garbage along with my meal?

I think that the worst thing about polystyrene is that this is what KIDS are eating off of. The government is literally feeding their children, their FUTURE, off of a poison that could negatively affect the health of kids for the rest of their life, or the health of the planet indefinitely.

I am fortunate to go to a school where the parents and the PTA had the time and resources to devote money to buying trays that would not give their children secondhand styrene as they ate off them. But I am much luckier than the majority of NYC public school

kids. What about the children whose only full meals in a day are at school and those meals are accompanied with such a detrimental problem that is so easy to fix?

It isn't fair for a group of five adults to make a decision that will affect the most underserved children in New York City for the next few decades without first considering how negatively the lives of so many kids in New York would be affected if polystyrene is not banned.

I'm here today to ask you to please vote for this important bill to ban polystyrene food containers from all of New York City.

Thank you.

Maria Molloy
9th grade
Hunter College High School

District 3 Green Schools Group
c/o CSD3 Headquarters, 154 West 93 Street, Suite 122. New York, NY 10025 www.greenschoolsny.com

TESTIMONY OF THE DISTRICT 3 GREEN SCHOOLS GROUP

IN SUPPORT OF INTRO 1060-2013

BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

HEARING ON THE SALE AND RECYCLABILITY OF EXPANDED POLYSTYRENE FOOD CONTAINERS:

T2013-7195, Int 0369-2010, Int 0380-2010, Int 1060-2013

November 25, 2013

Good afternoon Chairperson James and members of the Committee. My name is Jennifer Prescott and I am testifying on behalf of the District 3 Green Schools Group. The D3 Green Schools Group is made up of public, private and religious school parents who are volunteering to make our children's schools more environmentally sustainable. Members of our group have testified before your committee in the past about the food and tray waste composting pilot we began in Spring 2012 in eight District 3 public schools. We are thrilled that food waste composting has now dramatically expanded across the city thanks to efforts of the Departments of Sanitation and Education, and thanks to your support for legislation to further expand the program.

I am here today on behalf of our membership, to testify in support of Intro 1060 restricting the sale or use of single service expanded polystyrene food packaging materials (EPS aka "Styrofoam"), and to testify in opposition to the other related bills before your committee.

We support Intro 1060, and applaud the inclusion of "single service ...trays" in "cafeterias" in the definition of restricted items. This will effectively eliminate the use of expanded polystyrene trays in schools. Every day NYC public schools use and discard 850,000 "Styrofoam" trays from school meals. Those trays are either landfilled or incinerated at a high cost to tax payers and to the environment. The trays cannot be recycled and will never biodegrade, and when they are placed in the food waste composting bins by mistake, they can break into small pieces and contaminate the compost. "Styrofoam" lunch trays are only used by students for 20 minutes each day, yet once discarded they are in the environment forever.

In addition to disposal issues, EPS may pose significant health risks to our children. In 2011, Styrene was listed by the US Department of Health and Human Services as "reasonably anticipated to be a human carcinogen," and studies have documented the migration of Styrene molecules into food and drinks. In addition, if forks puncture the surface of foam trays, small amounts of Styrene could be ingested by our children. As evidence supporting the toxicity of Styrene continues to mount, its use in schools (or for any food delivery/ storage purpose) is increasingly troubling. Simply put, parents do not want their children eating off of "Styrofoam" cafeteria trays anymore.

Parents in many District 3 schools and more than 30 schools throughout the city have taken matters into their own hands and have raised funds to enable their PTAs to purchase compostable fiber trays as replacements for foam trays. For many of these schools, dedicating a percentage of the PTA budget to purchase non-toxic trays is a

tremendous burden, diverting precious funds so vitally needed for other program areas. However the vast majority of public school children city-wide, mostly in low-income communities, still eat off of "Styrofoam" trays. We believe that this is an Environmental Justice issue. Eating off of non-toxic cafeteria trays should not just be a luxury afforded to children who attend schools where PTAs have successful fundraising campaigns. It should be a universal right throughout the city.

We applaud you for supporting Intro 1107-A this Fall, calling for 400 schools to be added to the existing food waste composting pilot by January 1, 2015. While expanding the composting program citywide, it is imperative to simultaneously eliminate "Styrofoam" cafeteria trays to preserve the quality of the compost. Eliminating "Styrofoam" trays and replacing them with compostable fiber trays will reduce waste disposal costs, increase collection efficiencies and improve the quality of the compost.

We also support the elimination of commercial "Styrofoam" food service packaging called for in Intro 1060 because it will positively impact the recyclability of our schools' waste stream. A sizable number of public school children bring lunch from home, and teachers often buy lunch off-campus but eat and dispose of their lunch waste in school. To the extent that this "take out" food is currently packaged in "Styrofoam" containers, a switch to compostable paper or recyclable rigid plastic packaging by food vendors will decrease the school's garbage waste stream and increase the amount captured for recycling or composting.

In addition to expressing our support for Intro 1060, I want to briefly express our opposition to the other bills being considered today.

With regard to Intro 380: We believe that proposing a one-year recycling pilot program for expanded polystyrene in ten city schools is a red-herring that should not be further considered. It will drain already limited resources from the Departments of Education and Sanitation, resources that are needed to focus on the school food waste composting pilot. Because a commitment has already been made to expand the organics program, the necessary resources should be given to these agencies to ensure that program's success, rather than diverting their staff to implement a pointless effort. Further, there are currently no viable markets to recycle the volume of "Styrofoam" that is generated in NYC, and therefore we urge you to withdraw support for this bill.

With regard to Intro 0369-2010 and T2013-7195: While requiring that food packaging containers be made from recyclable material is something that in principle the D3 Green Schools Group supports, in conjunction with T2013-7195 which designates expanded polystyrene as a recyclable material, this is a back-door way for expanded polystyrene to evade the ban proposed in Intro 1060. As already stated by myself and others, there are currently no viable markets to recycle EPS in the volume generated by NYC, so it should not be designated as a recyclable material.

In conclusion, more than 100 cities and municipalities across the country have already banned the sale and use of expanded polystyrene packaging and food service products. We support Intro 1060 in order to protect public health and to eliminate expanded polystyrene from our waste stream. This will pave the way for expanded polystyrene to be replaced by more environmentally friendly recyclable and compostable alternatives, or better yet, reusable alternatives that reduce the overall waste stream. A similar bill was considered by the New York City Council more than two decades ago and not passed. It is distressing to think of all the "Styrofoam" trays and packaging filling our landfills today that could have been prevented if only action had been taken then. We applaud you for considering this bill today and urge you not to let vested interests derail progress. Please don't let another 20 years go by before we eliminate this material from our schools, from our waste stream, from our city, from our lives. We urge you to act today to pass Intro 1060.

THANK YOU.

Congress of the United States
Washington, DC 20515

November 22, 2013

The Honorable Letitia James
Chair, NYC Committee on Sanitation and Solid Waste Management
250 Broadway, Suite 1792
New York, NY 10007

Chairwoman James and the Members of the Committee,

We write today to express our concerns regarding the proposed ban of the sale of polystyrene foam in foodservice products. A decision to ban polystyrene in New York City will not only negatively impact thousands of businesses and millions of local consumers and taxpayers, but will also adversely affect the rest of New York State and could lead to a ripple effect of similar bans based on false premises.

Foam products are used as cheap, effective, and lightweight alternatives to other forms of drink and food containing products. With the proposed ban, organizations such as restaurants, convenience stores, and public school cafeterias would be forced to spend millions of dollars in higher costs to purchase alternative products, which are usually less effective in retaining heat. This often leads to more waste in the form of double cupping or the use of a cup sleeve to keep hands cool and drinks warm, a job done solely by its foam counterpart.

Moreover, a proposed ban on polystyrene products would provide no environmental benefits. Foam packaging is polystyrene that is stretched to make more product using less of our natural resources. Enforcing a ban on polystyrene foam while continuing to allow hard plastic cups, which are made of the same material, forgoes any logic that the ban would have a positive environmental impact. Furthermore, polystyrene foam foodservice requires less energy and produces fewer water and air emissions than popular alternatives during its life cycle. Currently, foam waste recycled into everything from picture frames to crown molding and is a top ingredient in waste-to-energy renewal programs.

A Western New York company, Commodore of Bloomfield, New York, would be particularly impacted by further bans on polystyrene. Commodore employs 175 people from New York State and specializes in foam products. We had the opportunity to visit this company and hear its owner's testimony this summer at the Small Business Committee during National Small Business Week. From firsthand experience, we can assert with confidence that these polystyrene products are produced in a safe, clean, and low-waste environment.

We urge the Committee to carefully consider both sides of this proposed ban and take into account the ramifications such a ban would have on businesses, consumers, and employees.

Sincerely,

Chris Collins

CHRIS COLLINS
Member of Congress

TOM REED
Member of Congress

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

FOR THE RECORD

SCOTT M. STRINGER
BOROUGH PRESIDENT

The enclosed resolution is submitted by Manhattan Borough President Scott M. Stringer on behalf of Manhattan's twelve community boards. The Manhattan Borough Board passed this resolution on September 26, 2013 in support of the proposed ban on polystyrene earlier this year:

MANHATTAN BOROUGH BOARD RESOLUTION

Whereas, "Styrofoam" (polystyrene) is not biodegradable and takes an estimated 500 years to break down when discarded in landfills; and

Whereas, New York City discards approximately 20,000 tons of Styrofoam annually, including an estimated 150 million styrofoam meal trays in the NYC school system alone; and

Whereas, phasing out 20,000 tons of styrofoam from the municipal waste stream would save taxpayers an estimated $1.9 million each year based on current rates; and

Whereas, the State of California has identified the production of polystyrene (styrofoam) as creating more energy consumption, greenhouse gas emissions and total environmental impact than all other products except for aluminum; and

Whereas, the Environmental Protection Agency has identified styrofoam production as the 5th largest creator of toxic waste in the United States; and

Whereas, styrene is a component of styrofoam and is largely believed to be a carcinogen and neurotoxin; and

Whereas, the Environmental Protection Agency has never tested a human fat tissue without finding styrene in that fat tissue since 1986;

BE IT RESOLVED the Manhattan Borough Board supports legislation that would prohibit the use and sale of polystyrene products as food packing in New York City.

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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Brian M. Kolb
Minority Leader

November 25, 2013

Honorable Letitia James
Chair, NYC Committee on Sanitation and Solid Waste Management
250 Broadway, Suite 1792
New York, NY 10007

Chairperson James and Committee Members:

I urge you to reconsider legislation that bans the use of polystyrene food service containers, and instead explore alternatives that will reduce waste without harming the economy of New York State.

This proposed polystyrene ban is another example of over-regulation driving jobs, families and businesses out of New York State. By nearly every ranking, New York State has one of the worst tax and business climates in the nation. And the reason is simple – government keeps getting in the way.

New York State, and my Assembly district, is home to several companies that manufacture polystyrene food containers. The measure in front of this Committee will not only hurt businesses and consumers in New York City, it will also eliminate jobs in Upstate New York.

Implementing this unnecessary regulatory measure will severely injure our economy at a time when we can least afford it. There are more than 1,500 polystyrene manufacturing jobs in New York State – all of which could be lost if New York City bans this material.

This proposal is a clear affront to the hard-working New Yorkers who rely on manufacturing jobs to put food on their tables. This ban would directly result in the loss of 1,563 manufacturing jobs, and $47.5 million in lost wages alone.

Banning polystyrene foam will force businesses to use products that are more expensive, cutting into their bottom lines and hindering their ability to retain or create jobs. Not only can polystyrene foam be recycled, successful programs are already in place in several municipalities, including Los Angeles.

Reducing waste and increasing recycling are laudable goals. However, this ban will not accomplish those objectives, but will hurt many hard-working New Yorkers and businesses.

Instead of advancing a measure that puts people out of work, New York City should jump at the opportunity to be a true innovator in waste management. A course of action that explores recycling options will protect the livelihoods of thousands of families and local economies across New York. I have attached an outline of facts and methods used to recycle polystyrene.

As elected public servants, we need to end the practice of piling regulation after regulation on the backs of the people who make up the foundation of our economy. This committee has the opportunity to take a meaningful step in that direction.

The mounting list of regulatory burdens makes it harder for New Yorkers to make ends meet, makes it more challenging for businesses to prosper and create jobs, and makes it impossible for our economy to fully recover.

I urge this committee to put a stop to this regulation before families, businesses and communities across New York suffer another devastating blow to their economic well-being.

Thank you.

Brian Kolb

Brian Kolb
Assembly Minority Leader

REPLY TO:
o Room 933, Legislative Office Building, Albany, New York 12248, (518) 455-3751, Fax (518) 455-3750
o District Office: 607 W. Washington Street Suite #2, Geneva, NY 14456, (518) 781-2030

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Brian M. Kolb
Minority Leader

Recycling Polystyrene

- Polystyrene is recyclable in any of its forms, and the proposed New York City ban on disposable plastic food service containers would, most likely, only affect expanded polystyrene foam.
- Despite its ability to be recycled, most curbside collection programs do not accept polystyrene as a recyclable plastic. Because expanded polystyrene has such a low density, collection of it for recycling is often considered to be less than economically viable. As a result, there exists a lack of investment in the compactors and logistical systems required to recycle expanded polystyrene foam.
- However, approximately 65 municipalities – including Los Angeles – have successful polystyrene recycling programs in place.
- By putting significant quantities of expanded polystyrene waste through a compaction process, the material density can be increased upwards of 1100%. The resulting material becomes a recyclable commodity of high value for producers of recycled plastic pellets.
- Additionally, expanded polystyrene scrap can be easily added to products such as building insulation sheets and other materials for a plethora of construction applications.
- When recycled expanded polystyrene is not being used to make more foam products, the scrap can be turned into clothes hangers, park benches, flower pots, toys, rulers, stapler bodies, seedling containers, picture frames, and architectural molding. Recycled polystyrene foam is also used in many metal casting operations.
- Concurrently, Rastra, a sustainable and environmentally friendly insulating concrete form used to make walls for buildings, is made up of over 80% recycled polystyrene foam and is used as an insulating agent in the making of concrete foundations and walls. American manufacturers have produced insulating concrete forms made with high quantities of recycled polystyrene foam since 1993.

Conclusion

- Polystyrene foam is indeed recyclable and has many practical recycled forms. The main issue with polystyrene foam recycling is the fact that there is a lack of collection for the purposes of recycling of the material by curbside sanitation companies and municipalities. If programs (private or governmental) were enacted to make a concerted effort toward collecting polystyrene foam, enough of the material could be collected to make recycling the waste a profitable enterprise.

REPLY TO:
o Room 933, Legislative Office Building, Albany, New York 12248, (518) 455-3751, Fax (518) 455-3750
o District Office: 607 W. Washington Street Suite #2, Geneva, NY 14456, (518) 781-2030

Foam Pack Industries
A division of Padis Incorporated
72 Fadem Road Springfield, New Jersey 07081
P: 973.376.3700 F: 973.467.9850
www.foampackindustries.com
E: foampack@verizon.net

November 25, 2013
New York City Council
Sanitation Committee
250 Broadway
New York, NY 10007

RE: Int. No. 1060- Restrictions on the sale or use of expanded polystyrene- OPPOSE
T2013- 7195- Addition of expanded polystyrene in residential recycling program SUPPORT

Dear Honorable Committee Members,

My company, Foam Pack, is a family owned and operated Packaging and Foam Recycling company located in Springfield NJ. We have been in business since 1943 and have been recycling foam since 1972. We started our recycling program because in our manufacturing business we needed an outlet for our waste foam.

Our foam Recycling program to date has recycled over 200 million pounds of foam from business and residents. Our foam recycling efforts in the tri-state area have helped us process over 400,000 pounds of foam per month. To put into perspective, that is 267 tractor trailer loads of foam holding 1500 pounds each. This Recycled Foam is used by our customers to produce everyday consumer products.

We believe at Foam Pack that NYC should not ban food service foam because it is not the answer to the problem. The answer is to educate the business and residents on how to and where to recycle their unwanted food service and packaging foam. As a recycler of foam, I educate people on the proper guidelines that are expected before the foam reaches our facility. We have been very successful in this practice for the past 40 plus years.

NYC should promote the recycling of foam as it does its other recyclables. Foam is 100% recyclable material that can be reprocessed over and over as it becomes different products in its life cycle. Foam can be turned into plastic picture frames, picture frames into plastic decking material, decking material into park benches, park benches into cell phone bodies and so on.

For these reasons, we respectfully request you oppose #1060 and support #7195.

Sincerely,

Mitchell S. Goodstein
Recycling Director/ Business Coordinator
Foam Pack Industries

EXTRUSION TECHNOLOGIES INC.

1600 Livingston Avenue
North Brunswick, NJ 08902
732-752-0048
732-752-3795 fax

November 25, 2013

New York City Council
Committee on Sanitation & Solid Waste Management
250 Broadway
New York, NY 10007

RE: Int-1060 Restrictions on the sale or use of expanded styrene-OPPOSE
T2013- 7195- Addition of expanded polystyrene in residential recycling Program – SUPPORT

Dear Honorable Committee Members,

Princeton Moulding Group, LLC. Is a sub division of Aflex, Inc. We are a manufacturer of decorative picture frame and architectural extruded mouldings. We are located in North Brunswick, NJ.

We began manufacturing our Moulding products in the 2006/ 2007 time frame. Our Products contain approx. 98% recycled EPS. We currently purchase EPS from a variety of sources including regional and local collectors/recyclers, manufacturers, and freight carriers.

From our perspective, EPS food containers should not be banned. EPS is a highly recyclable thermoplastic, that once is collected can be made available to businesses and manufacturers like Princeton Moulding Group.

My industry is currently dominated by foreign competitors who manufacture and import Mouldings into the US. EPS recycling in those countries has enabled an entire industry to flourish.

Respectfully, on behalf of Aflex/Princeton Moulding we ask that you oppose Int-1060, and support T2013-7195.

Thank You,

Gary M. Frederick
Aflex, Inc
Princeton Moulding Group, LLC.

WeCare Organics

Delivering green.™

NYC Hearing on Proposed Ban of Polystyrene
11/25/13
Testimony by: Brian Fleury
Senior Vice President
WeCare Organics, LLC

WeCare Organics, LLC (WeCare) is the long-term contractor for the NYC Dept. of Sanitation Composting Facilities. We are speaking today in support of the proposed polystyrene ban.

WeCare is a NY State based agricultural and environmental management company who provides a variety of goods and services to the agricultural and environmental industry, including composting and end-product marketing of compost and value-added soils.

WeCare finds innovative and cost effective ways to beneficially recycle and re-use organic-based waste products, such as yard waste, biosolids and food-waste. There are certain contaminants contained within these organic-based waste streams that make it more difficult and costly to recycle, such as polystyrene foam.

As the City works toward its goal of food waste recovery and recycling, the issue of contaminants in this recoverable waste stream needs to be addressed in order to keep costs down and ultimately to create marketable end products, such as, compost and compost amended soils. One of the contaminants most often found when recycling food waste is polystyrene foam, due to its use in many restaurants, convenience stores and households. It becomes extremely challenging to remove in the compost operations because it breaks apart into smaller fractions and even with advanced mechanical equipment, cannot be removed.

The goal of any composting operation is to create high-quality, value-added compost. By improving the quality of the incoming organic waste stream (less contaminants), it will improve the quality of the end product (compost) and assist in keeping operational costs down. Speaking as the operator of the City's composting operations, we have worked hard, along with DSNY's Composting Division, to clean up the incoming waste streams and have been creating a high-end compost product. This season the Staten Island Compost Facility was actually Sold Out of compost because the demand has gotten to a point that exceeds the supply for this valuable product.

For these reasons, our Company, WeCare Organics, fully supports a ban on polystyrene foam.

We value our relationship with New York City and especially, DSNY's Bureau of Waste Prevention, Reuse and Recycling Division and the dedicated and environmentally conscious professionals within it.

9293 Bonta Bridge Road · Jordan, New York 13080 · Office: 315-689-1937 · Fax: 315-689-1996
www.wecareorganics.com

Testimony on Styrene Foam by Brendan Sexton,
Chair of the Manhattan Solid Waste Advisory Board
11/25/13

FOR THE RECORD

Thank you Madam Chair and Committee members and staff for the chance to speak in favor of the bill to ban polystyrene foam from food service and loose fill products in New York City. This happens to be an issue that has been a priority for some time for the Manhattan Solid Waste Advisory Board (SWAB).

When this bill is adopted it will not be the first such ban, but we will be early enough to play a major leadership role in the national debate over this material, especially as it affects the waste stream.

I speak to two concerns—health risks and recyclability:

I. First, styrene is a bad material for food or drink service.
The single most important thing about styrene foam of course, is that it presents a health risk, *especially* when it comes in contact with food.

The key questions researchers have addressed are:
---Does the evidence show that the chemical winds up in the food or beverage?
---Is there really much concern that it reaches the consumer?
---Do we need to worry that pregnant women and children may be picking up unwanted traces?
As it happens, the answers are available and they are: that all the studies I know of show the chemical migrating into food or drink, and yes the chemical then travels from the food into our tissues, and yes we have cause to worry.

There have been many studies documenting the migration of styrene molecules from cups and other packaging—foamed or not—**into food and drinks.**

[The first key studies were done in the 1970's, but many are more recent e.g.: Ahmad and Bijhalan from 2007
http://www.sciencedirect.com/science/article/pii/S1001074207600709]

Some studies have found **the risk is more serious for foods or drinks that were high in fat, and at higher temps,**

[For example Tawfik and Huyghbert,
http://www.tandfonline.com/doi/abs/10.1080/02652039809374686#.Uo0vE5SG1EQ]

These studies suggest that **serving hot chocolate to children may actually introduce at least some exposure where there is no need for it.**

Scientists at the University of Teheran have been focused particularly on this safety issue. And they find in fact that styrene from food and drink containers get into the food or drinks at above recommended safe levels:

[Khaksar and Ghazie-Khansari
http://informahealthcare.com/doi/abs/10.1080/15376510802510299]

And in case anyone wonders whether the chemical gets into our bodies, the answer to this is also yes, and it is stored in our fatty tissue, and in amounts that cannot be explained by occupational or similar exposures;
http://www.sciencedirect.com/science/article/pii/S001393510580218X]

II. Plastic foam in the Waste Stream Despite the claims of some in the plastics industry, I have only once met a recycler who claimed to have made a legitimate business from recycling foamed styrene. Unfortunately that company folded before I could get out to visit the plant.

In my entire experience in waste management and recycling, the mildest comments I have heard in reference to polystyrene foam are that it is a serious annoyance since it is so hard to manage and of no value as a reclaimed material. If pressed for details recyclers will offer stories of foam flakes and dots flying all over their plants, contaminating the stocks of truly recyclable materials they have on hand.

III. So, if the material gets into our bodies, and our children's bodies, in quantities or concentrations which do not reassure our health worries, and if it is at best a pain in the neck for waste managers, and if it interferes with rather than assists making recycling a cost-effective good deal for the City of New York, then:

Why in the world would we *not* discourage or penalize or forbid its use?

Respectfully submitted on behalf of the Manhattan Solid Waste Advisory Board, and thanks again for the opportunity.

B. Sexton 11/25/13 brendan@bsexton.net

NEW YORK
STATE
RESTAURANT
ASSOCIATION

Comments

of

The New York State Restaurant Association

to the

Committee on Sanitation and Solid Waste Management
Intro. 1160-2013

November 25, 2013

1:00 p.m.

City Hall – Committee Room

1001 Sixth Avenue
3rd Floor
New York, NY 10018
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800.452.5959
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NEW YORK
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RESTAURANT
ASSOCIATION

Good morning members of the Committee. My name is Melissa Autilio Fleischut and I am the President and CEO of the New York State Restaurant Association (the "Association"), a trade group that represents approximately 5,000 food service establishments in New York City and over 10,000 statewide. The New York State Restaurant Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for over 75 years. The Association is the voice of the restaurant industry in New York City.

New York City is one of the pillars of the culinary arts world. Our restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade. As one of the most important industries in New York City, its growth and survival should be supported by all levels of New York City and New York State government.

The New York State Restaurant Association would like to thank this Committee and the Department of Sanitation ("DOS") for reaching out to the industry to seek our input on this issue. We believe that collaboration always yields better policy and – regardless of whether we agree on a topic or not – we hope our perspective lends valuable insight to the discussion.

The bill we are discussing today, Intro 1160, seeks to ban the use of polystyrene containers in New York City establishments. Like many pieces of legislation of its kind, this bill has noble intentions, namely to protect the environment and save money by removing synthetic material from the waste stream as it is the most difficult contaminate to address when found in organic waste. However, there is serious concern that alternatives to polystyrene could add cost pressures on to small businesses that use it.

The New York City restaurant industry has often been a leader in environmental protection. Earlier this year, we partnered with the Administration for the Mayor's Food Waste Challenge, a voluntary initiative to separate and compost organic food waste generated by the industry. We are also currently

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working on other legislation to codify this initiative in a way that both helps the environment and lowers waste disposal costs for restaurants.

Similarly, here we are supportive of the larger environmental goal and are willing to work with proponents of this legislation to find common ground. While polystyrene does have some logistical advantages – structural integrity and insulation being the most important – the industry could certainly learn to live with alternatives. The rub, as it usually is, comes down to the cost of those alternatives, many of which can be two to five times higher than polystyrene.

We hope, therefore, that the legislation can include ways to address those cost concerns. As the bill already has a phase in period, we suggest a trigger based on a market assessment of the costs of polystyrene and appropriate substitutes. The ban could activate when it is clear that there are sufficient cost-comparable products available to the industry. At the least, such a study should be undertaken and made publicly available to help the restaurants transition to alternative products. Moreover, it would be greatly helpful for the City to assign staff and create a hotline and/or website to help the industry adjust to the change and find affordable alternative food containers.

We also recognize there are other pieces of legislation addressing this topic focusing on polystyrene recycling. While these bills appear to create a reasonable compromise to appease both sides of this debate, our understanding is that this path is complicated by economic and logistical concerns about the viability of polystyrene recycling. Hence, the Association would support a provision that would give the Sanitation Commissioner license to pursue such an option, if it becomes feasible.

Lastly, we want to address an issue near and dear to the restaurant industry – fines. As has been widely reported and discussed, fines for restaurants and other small businesses have exploded over the past several years. We fear that, even after the phase in period, some restaurants could unwittingly violate the law or simply be ignorant of it. Therefore, we would ask that the bill include a warning provision for the first offense, with fines only being levied for repeat offenders. We understand the need for enforcement, but the increasing

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regulation on our industry has led to a deluge of unfair violations. Indeed, the current Administration and Council recently worked together on a bill to identify areas where warning provisions could lessen the burden of fine-based enforcement.

The New York State Restaurant Association and its members thank you for your time and consideration of this legislation and these comments. We hope that our input can lead to a better bill that can contemporaneously achieve the goals of protecting the environment and the bottom line for restaurants.

Respectfully Submitted,

Melissa Fleischut
President and CEO
New York State Restaurant Association
1001 Avenue of the Americas, 3rd Floor
New York, New York 10018
212-398-9160

737874

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OCTUBRE 11 2013

To: TACOS MORELOS
[Company Name]
[Street Address]
[City, ST ZIP Code]
[Phone]

Due upon receipt

4.00	CAJAS DE BOLSA PEQUENA		$ 7.50	$ 30.00
2.00	CAJAS DE BOLSA GRANDE		7.50	15.00
3.00	CAJA DE SERVILLETAS		29.75	89.25
1.00	CAJA DE CUCHARAS		12.75	12.75
2.00	CAJA DE TENEDORES		8.50	17.00
8.00	CAJAS DE PLATO DE QUESADILLA		14.75	118.00
3.00	CAJAS DE PLATO TACO		9.50	28.50
1.00	BOUNTY R		16.50	16.50
1.00	CAJA DE BARCO PEQUENO		27.75	27.75
1.00	CAJAS DE BARCO GRANDE		23.50	23.50
2.00	ALUMINIOS		23.50	47.00
1.00	PLASTICO GRANDE		17.75	17.75
1.00	PAQUETE DE BOLSA DEL #12		13.75	13.75
1.00	MEDIA CAJA DE VASO DE UNICEL DE 16oz	500 Pc.	20.00	20.00

FOAM

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Subtotal	$	476.75
Sales Tax		
Total	$	476.75

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510.
1439.50

Thank you for your business!

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OCTUBRE 7 2013

To: TACOS MORELOS
[Company Name]
[Street Address]
[City, ST ZIP Code]
[Phone]

Due upon receipt

4.00	CAJAS DE BOLSA PEQUENA	$ 7.50	$ 30.00
2.00	CAJAS DE BOLSA GRANDE	7.50	15.00
2.00	CAJA DE SERVILLETAS	29.75	59.50
1.00	CAJA DE CUCHILLOS	12.75	12.75
1.00	CAJA DE TENEDORES	8.50	8.50
10.00	CAJAS DE PLATO DE QUESADILLA	14.75	147.50
3.00	CAJAS DE PLATO TACO	9.50	28.50
1.00	BOUNTY R	16.50	16.50
1.00	CAJA DE PAPEL SECAMANOS DE HOJA	21.00	21.00
1.00	CAJAS DE BARCO GRANDE	23.50	23.50
1.00	ALUMINIOS	23.50	23.50
1.00	CAJA DE LITREROS 250 pc	45.00	45.00
2.00	PAQUETE DE POPOTES	3.00	6.00
3.00	SCOBAS	5.00	15.00

(estic

PAGADO

Justino

Subtotal	$	452.25
Sales Tax		
Total	$	452.25

Thank you for your business!

Genpak LLC

Talking Points

- A ban in NYC will have an immediate and terrible effect on our business. Most foam is manufactured close to where it is sold and used, We sell most of our products to businesses and organizations here in NYC.

- We employ hundreds of hardworking New Yorkers. If Mayor Bloomberg succeeds in passing this latest ban, those jobs will be in jeopardy – good jobs that support working class families.

- According to a recent study, the cost to replace PS foam with the lowest cost alternatives would be over $91 million a year, nearly doubling the cost of food packaging for local businesses, city agencies and consumers. The alternate packaging will mostly come from offshore manufacturers, not jobs in the USA. Over 1,200 jobs would be in serious jeopardy, with a total estimated impact of nearly $400 million for the state. The workers and businesses of this state are already struggling, and have been for too long. Our economy still faces steep challenges, and we cannot afford new laws that eliminate jobs, increase regulatory hurdles and drive expenses up for taxpayers

- The most common alternatives to foam aren't recycled. That paper coffee cup? It is not recycled in NYC. Foam is lighter and less dense than alternatives – meaning foam costs the city LESS as part of the waste stream. Foam uses far less energy to manufacture and transport. Foam produces ½ the amount of Greenhouse gas than paper .

- Foam products save money for the city and its businesses and generally sell for less than 50% of the cost of commonly substituted products such as pulp fiber, solid plastic and coated paperboard products.

- There are numerous studies that show that PS foam products compare very favorably to alternatives when measuring the effect on the environment. They are cheaper because the use **far less materials and energy** than alternatives which are both key environmental advantages.

- The PS foam industry has been a leader in efforts to recycle used food service products and it has had numerous successes. Instead of the ban, we request that you would support our industries efforts to install densifiers in your Material Recovery Facilities (MRF) to economically expedite the recycling of PS foodservice trays on the city. It is important to realize that most of the alternative foodservice packaging materials are not currently being recycled.

1500 Troy Avenue

Brooklyn, NY 11203

November 25, 2013

New York City Council

Committee on Sanitation & Solid Waste Management

250 Broadway

NY, NY 10007

RE: Int. No. 1060- Restrictions on the sale or use of expanded polystyrene (Oppose)

T2013- 7195- Addition of expanded polystyrene in residential recycling program (SUPPORT)

Dear Committee Members,

I absolutely oppose your present initiative to ban expanded polystyrene. I feel there will be many negative repercussions to this ban and feel very strongly that you must hear another perspective. I am the owner of All One Source, a distributor of disposable paper goods, in Brooklyn. We supply a wide range of facilities in the Metro NY area, which include: hospitals, schools, nursing homes, delis, bakeries & restaurants. I have been in the paper goods business for the past 25 years. I opened All One Source ten years ago & prior to that I was responsible for all the buying at a large NY distributor.

This initiative will have a very detrimental effect on our local economy. In many cases this ban would require local businesses to replace expanded polystyrene items with products that may double their food packaging costs. Our local establishments & healthcare facilities cannot afford this increase in costs during these difficult financial times. This increase will likely come right out of their pockets, if they do not feel they can pass this along to their patrons/patients. This will in turn cause them to pay their suppliers slower and may even cause the demise of some. The end result is this will have a negative effect on so many local businesses who feel they are being hit by all sides.

Additionally I must also tell you I question if banning expanded polystyrene is the right decision & if the alternatives to foam are truly better. Expanded polystyrene can be recycled; many of these expensive alternatives cannot. Why wouldn't we consider recycling expanded polystyrene rather than further clogging our landfills with all these expensive alternatives?

Please consider if this ban will *really* be better for our community. I do not feel it will be good for our businesses or our environment.

Sincerely,

Moishe Grossman

New York City Council
224 West 30th Street (Suite 1206)
New York, NY 10001

11/15/13

My name is Rod Kucera and I was raised in Binghamton, NY. I have lived in Upstate NY most of my life and my parents still live in the same house I grew up in. I graduated from Rochester Institute of Technology in 1990 with a BSME and I've worked at Pactiv continuously for the last 23 years. I currently live in Fairport, NY with my wife and our four children.

We have moved out of state with the Company twice during my career with multiple year work assignments in Pactiv's plants located in Covington, GA and Corsicana, TX but each time we have voluntarily elected to relocate back to NY because we love it here. The landscape is beautiful, the schools are exemplary, and the quality of life is second to none.

I am currently the plant manager of Pactiv's Canandaigua, NY foodservice plant and we made the six hour drive to NYC last night to voice our strong opposition to the proposed legislation that would unfairly ban the sale and use of polystyrene foam foodservice containers by City restaurants and street vendors.

Pactiv is one of the leading suppliers and manufacturers of plastics foodservice packaging products, including the polystyrene foam hinged lid containers, plates, bowls, and school lunch trays that the proposed ban would directly impact. Pactiv's Canandaigua plant is one of our largest manufacturing facilities and we would be seriously impacted by the proposed legislation since we currently supply NYC area restaurants, street vendors, hotels, businesses, schools, and ordinary citizens with millions of pounds of safe and cost effective foam containers.

I'm extremely proud to share with you that Pactiv's Canandaigua plant has been in continuous operation since 1966 and that we continue to invest millions of dollars in our plant and community. The Canandaigua site also includes an 800,000+ square foot Regional Mixing Center (warehouse/distribution) and a Technology Center that houses Pactiv's state of the art materials development technology and a Reynolds Consumer Products Customer Service Center.

All included, Pactiv's Canandaigua site has over 800 full-time skilled and part-time employees. These include salaried managers, engineers, scientists, specialists, and hourly associates. We are Ontario County's largest private employer with annual payroll spending of over $44,000,000 in salaries and benefits. We also spend over $6,500,000/year for utilities and $7,600,000/year in corrugated that we purchase from a Packaging Corporation of America (PCA) plant located in Syracuse, NY. Not to mention the millions of dollars/year that we pay in state/local taxes and spend in our Upstate community for goods and services.

It's a sad reality that the proposed ban of foam polystyrene container that is being discussed today will result in job losses in Canandaigua and throughout New York State. The ban would likely shift jobs from New York to other states or countries that make similar products out of different materials like paper. Doing so will be another devastating blow to New York's recovering manufacturing sector and is completely unnecessary. Rather than unfairly ban foam polystyrene containers, why not recycle them like we do every day in our plant? We frankly would not be a viable business if we were unable to cost effectively recycle foam polystyrene scrap. I'm also pleased to report to the Council that Pactiv's Canandaigua plant recently began using virgin polystyrene resin with postconsumer recycle content. So let's work together to address a litter and landfill issue in a more constructive manner for our largest city and the fine citizens of New York State.

Thank you for your consideration in this matter.

Sincerely,

Rod Kucera
Plant Manager
Pactiv LLC
5250 North Street
Canandaigua, NY 14424
rkucera@pactiv.com

SUSTAINABLE SOUTH BRONX

My name is Michael Brotchner and I am the Executive Director of Sustainable South Bronx, a nonprofit organization located in Hunts Point. Today, I am here as a representative of my organization, our members and the community at-large who are working together to make the South Bronx a greener and healthier place to live.

I want to begin by thanking Madame Chair and the Sanitation Committee for the opportunity to testify. I am here to express our utmost support for Intro 1060: the proposed restriction on the sale or use of expanded polystyrene items. We believe strongly that the proposed legislation would reduce the very negative health and environmental impacts that polystyrene imposes on New York City, especially in neighborhoods such as the South Bronx.

First, the South Bronx is one of the main neighborhoods where one can see how polystyrene has a detrimental impact on the environment. Polystyrene has a strong presence in the South Bronx's restaurants and bodegas and, as a result, it is one of the reasons why the South Bronx has the lowest recycling rate of any New York City neighborhood. Furthermore, Sustainable South Bronx is one of the stewards of the South Bronx Greenway and we have seen firsthand from our clean-up efforts how Styrofoam can seem to live forever in the urban environment.

Second, data suggest that polystyrene is shipped out the New York City area at a cost of $80 per ton. With an estimated 20,000 tons of Styrofoam entering the city's waste stream each year, the cost to the city annually is $1.6 million. These are funds that could potentially be dedicated to supporting Department of Sanitation programs that educate residents in communities like the South Bronx about the benefits of recycling.

Third, beyond the impact to our waste stream, we firmly believe that polystyrene has an impact on the health and wellbeing of individuals. Polystyrene contains the toxic substances Styrene and Benzene, which are suspected carcinogens. The South Bronx already has significant public health issues, so we are in favor of limiting any additional health risks or exposure to toxins, especially when there are safer and greener alternatives to Styrofoam.

We urge this Committee and the Council overall to support this legislation and to join other cities across the country in restricting polystyrene use. Polystyrene damages public health, serves as a barrier to recycling, and wastes the city's financial resources – it's time for New York City to stop using it. Thank you for your time.

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NEW YORK CITY
CENTRAL LABOR COUNCIL AFL-CIO

President
VINCENT ALVAREZ

Secretary-Treasurer
JANELLA T. HINDS

Testimony for Marco Carrion, New York City Central Labor Council, AFL-CIO
New York City Council Sanitation & Solid Waste Development Committee Hearing
Scheduled for November 25, 2013

Hello, Chair James, and members of the committee. My name is Marco A. Carrion, and I am the Political and Legislative Director of the New York City Central Labor Council, AFL-CIO, and I'm here testifying on behalf of President Vincent Alvarez.

The New York City Central Labor Council opposes Intro. 1060.

A ban on polystyrene foam products would be detrimental for consumers, taxpayers, and thousands of New York City businesses.

The goal of the city's Labor Movement is to promote the creation and continuation of good jobs for working New Yorkers, and imposing a ban on these products would impact countless restaurant and manufacturing jobs.

Imposing the proposed ban would increase costs by more than $91 million for our schools, who currently use polystyrene products, and would be forced to use more costly, less effective alternatives for students' meals.

Instead of a ban on these products, we support the implementation of a recycling program, which would allow New York City to join the ranks of other cities implementing cutting edge waste removal technologies. Implementing this program would also help to expand other recently announced recycling initiatives, while also creating jobs for New Yorkers. There is a market for this type of recycling in the tri-state area, and there are currently companies within the area that have the technology to turn recycled foam into other products.

We oppose this measure, and urge the Committee to examine the benefits of recycling polystyrene products as a means to save money, reduce waste, and create good jobs for New York City residents.

Thank you, and I am happy to address any questions you may have.

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DART CONTAINER CORPORATION
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New York City Council
Committee on Sanitation & Solid Waste Management

Dart Container Corporation Testimony

November 25, 2013

In Opposition to Int. No. 1060 - Restriction on the Sale or Use of Expanded Polystyrene Foam

In Support of T2013-7195 - Addition of Expanded Polystyrene in Residential Recycling Program

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Dart is a leading manufacturer of single-use foodservice containers. Dart manufactures both plastic and paper containers including products made from polystyrene in both foamed and rigid form. Dart has been and continues to be actively engaged in recycling and educating the public on the environmental attributes of foam including the ability for it to be recycled.

In 1990, Dart began recycling post-consumer foam. Today, Dart offers to the public a variety of ways for recycling of foam. Fifteen Dart facilities have public drop-off centers for foam. These drop-off centers are open 24hours a day, 7days a week and are at no charge to any resident consumer and accept both Dart and all other brands of foam. In addition, the drop-off centers collect both post-consumer and clean foam such as shape molding.

Comparing Foam and Paper Products

An analysis of the overall relative merits of the use of coated paper products versus molded polystyrene bead foam in single-use products is important to examine. In raw material requirements the paper cup required about 2.5 times its finished weight of raw wood and about the same hydrocarbon fueling requirement as is needed for the polystyrene foam cup. To process the raw materials about six times as much steam, 13 times as much electric power, and twice as much cooling water are consumed to produce the paper cup as compared to the polystyrene foam cup. Emission rates to air are similar and to

water are generally higher for the paper cup. (Martin B. Hocking, *Environmental Management*, Vol. 15, Issue 6, pp.731-747).

The manufacture of paper cups is power and water intensive. The process used to make paper cups uses glue and very often dyes other inks, possibly mineral oil based. The raw material for foam is expanded polystyrene. Beads of polystyrene are placed into a mold and expanded. Because of the large expansion that takes place it only takes a few beads and little energy to make the final product. The material content in foam cups is very low, most of the cup, at least 90%, is air. It is the air that gives foam cups its remarkable insulation properties.

Nearly all, primary use factors favor polystyrene foam over paper. Once used both products may be recycled. Landfill disposal of the two items under dry conditions occupy similar landfill volumes after compaction and confer similarly slow to nonexistent decomposition to both option. Under wet conditions, polystyrene foam does not readily degrade. Whereas, paper products under wet landfill conditions biodegrades and produces **methane** - a significant greenhouse gas. Both materials can be incinerated cleanly in a municipal waste stream with the option of energy recovery, to yield an ash volume of 2%–5% of the incoming waste volume.

A reasoned scientific analysis suggests that polystyrene foam should be given an evenhanded consideration with respect to paper in food packaging applications.

Foam to Paper Considerations

1. Insulation

Foam cups insulate much better than paper. If you fill up both cups with hot liquid and hold them in your hands the foam cup will be cool to touch, while the paper cup radiates the hot liquid inside the cup. The only way to make the paper cup cooler is to add more paper in the form of a cardboard sleeve. Paper cup users add a cardboard sleeve to help hold the paper cup without being burnt. While most hot paper cup sleeves are made from recycled materials, they are still an additional item to paper cups and contribute to the increased amount of materials used versus foam.

2. Eco-friendly

A standard paper cup takes more than 20 years to decompose in a modern landfill environment. This is due to the plastic coating lining the inside of the paper cup. The paper cup also takes more energy, raw material and money to make. For example, in comparison to foam, a paper cup requires 12 times the amount of water, 36 times the amount of electricity and costs double the amount of money to produce.

3. Cost

The typical paper cup costs more than twice the amount of a foam cup when you consider the production of the cup, if you add the cardboard sleeve and its production, raw material, energy and shipping needs, you need to throw in an additional 2-3 cents per cup. Modifying or customizing a Styrofoam cup is nearly half the price of customizing a paper cup. The bottom line is that paper cups are more than double the price to produce and require a cardboard sleeve if you want to save your fingertips.

3. Recyclability

There are many misperceptions regarding foam and its recyclability. Foam is 100% recyclable. Recycling foam consists of densifying, cleaning and pelletizing post-consumer foam products. These pellets are then used to create other durable plastic products such as building insulation, plastic lumber, and picture frames.

Dart Foam Recycling Programs

It is also important to note, two recycling programs Dart offers for collecting and recycling foam - Recycla-Pak and CARE.

Recycla-Pak is an easy way for anyone to recycle foam cups. The Recycla-Pak collection bin doubles as the shipping carton used to return foam cups for recycling at a Dart or industry recycling facility. The bin is shipped flat and, after a simple assembly, it is ready for collecting used foam cups for recycling. During use, the divided interior of the bin keeps the collected cups neatly stacked. This serves to maximize the number of cups that will fit into the bin as well as discourage users from depositing anything but used foam cups.

Dart also offers the CARE (Cups Are REcyclable) program to make recycling polystyrene foam food service products easier for our customers. The CARE Program helps large operators using foam food service products separate the foam from other products, compress the collected material in a densifier provided by Dart, then Dart picks it up for transportation to a recycling facility.

Apart from Dart's foam recycling opportunities, cities such as the City of Los Angeles and Sacramento offer curbside collection. And Dart is working to establish more municipal collection and recycling programs.

To read more about foam recycling and the programs mentioned above go to: http://www.dartcontainer.com/web/environ.nsf/pages/dropoff.html.

Thank you for your time and attention to this issue.

Sincerely,

Paul A. Poe

Regional Manager, Government Affairs and the Environment

DART CONTAINER CORPORATION

MASON, MICHIGAN 48854 • TELEPHONE (517) 676-3803

November 25, 2013

New York City Council
Committee on Sanitation & Solid Waste Management
250 Broadway
New York, NY 10007

RE: Int. No. 1060- Restrictions on the sale or use of expanded polystyrene- OPPOSE
T2013- 7195- Addition of expanded polystyrene in residential recycling program- SUPPORT

Dear Honorable Committee Members,

Dart Container Corporation is a family owned company that manufactures a full line of paper, plastic, foam #6 polystyrene (PS), and bagasse materials. We make paper hot cups for Starbucks as well as foam cups for Dunkin Donuts. We are here today to oppose Int- 1060 that would ban foam foodservice polystyrene containers and we are also here to support the T2013-7195 which would include foam cups and other foam products in NYC's residential recycling program.

Experience-

Dart has been recycling foam since 1990. This includes dirty foodservice contaminated foam. Please see Exhibit #1 for a letter of reference from a municipality we have partnered with since 1994. We operate two facilities in the US that wash dirty foodservice foam and convert it into pellets that can be used to make new products. Please see Exhibit #2 for photos.

Our offer-

Dart is offering a comprehensive recycling solution to NYC. The plan is to have NYC residents place their used foam products in the same bag as their metal, glass, and plastic for recycling. These materials will then be collected, just as they are now, by DSNY and delivered to one of two Sims sorting facilities. Once at the facility, the foam products will be sorted the same as other metal, glass, and plastic and put into bunkers. Once Sims has 40,000 lbs. of the material,

we have guaranteed a buyer for it along with a guaranteed price of #160.00 for five years. The buyer's name is Plastic Recycling, Inc. and they will pay to ship the material by rail to their Indianapolis facility where they will wash the dirty material and recycle it. We have presented a contract to Sims confirming this offer. Plus, we presented them with a second one that offers money from Dart to retrofit their two facilities with necessary sorting equipment. See Exhibits 3 & 4.

Why we are confident it will work?

We are confident this will work for a number of reasons. 1. We have already partnered with a company located in Southern California called Burrtec since 2009 that provides the same service as Sims. They are not experiencing the problems that the Mayor's office fears. See Exhibit #5. 2. The two wash facilities that Dart's operates has given us the practical experience necessary to design a wash facility capable of servicing the large volume NYC will generate. 3. We are partnering with a company that has been around for more than two decades that specializes in recycling polystyrene. See Exhibit #6. 4. Earlier this year, Sims agreed to optically sort some of their foam and rigid PS for us at their Jersey City facility. The test produced a mix of foam and rigid PS. See Exhibit #7 for a photo from the sorter of the material along with a photo of the material once we put it in a grinder. This test was a success. See Exhibit #8 for the pellets we made with the material. These pellets can be used to make new products.

What is in it for NYC?

Think about your own personal experience with foam. The vast majority of it that you touch is not foodservice foam. When you buy a new TV or computer, it often comes with the big bulky white blocks of foam. This foam, along with foam meat trays, ice chests, and egg cartons will all be part of the recycling program and we will pay for it! Plus, because foam is made with plastic #6, we can also recycle rigid plastic materials such as coffee lids, soda lids, cd jewel cases, cutlery, pots, containers, and red Solo cups. This is a great offer because the last time we talked with Sims about this, they did not have a market for these materials even though they are accepted in the recycling program.

This is all very important because these products are not part of the ban and the city is currently paying more than $2 million dollars to landfill them when they could be generating more than $4 million dollars by recycling them all with us! Landfilling costs about $86 per ton while we are offering to recycle and pay $160 per ton!

Why do we need bill 7195 to make this happen?

As some of you know, we have worked diligently to get a program in place without legislation, however, the persistent interference from NYC's Deputy Sanitation Commissioner for Recycling and Sustainability, Mr. Gonen, has made it virtually impossible.

At this time, we'd like to share with you some of our experiences-

- Prior to the Mayor announcing his intention to ban foam cups and containers in his February 14 State of the City address, Mr. Gonen was quoted on February 06, 2013 in DNAinfo New York saying "I'm proposing legislation to ban Styrofoam in New York City." Notice he said "I", not "we." See Exhibit #9. This ban is a personal agenda for Mr. Gonen.
- As a result of a FOIL request, we learned that Mr. Gonen requested a letter from Sims in March in support of a ban on foam even though he knew Sims had a meeting scheduled to learn about the Dart plan. Fortunately, Sims declined Mr. Gonen's request so they could learn more about the Dart proposal.
- Per Exhibit #10, in April, Mr. Gonen was interviewed by Waste & Recycling News and regarding Styrofoam, he said- "Anything that we see in our waste stream that's either not recyclable or it's recyclable but it doesn't have a market, we're looking to work with that manufacturer or that industry to make sure that they provide a product or packaging that is recyclable or they create a market for their product or packaging." We viewed his article as an invitation to be part of the solution and quickly scheduled an appointment with Mr. Gonen. Interestingly enough, when we met with him, he told us foam recycling is "out of his control" and that he is going to proceed with a ban.
- When we presented a written proposal to Sims in June, Sims shared it with Mr. Gonen. Mr. Gonen then directed Sims to get a guarantee from Dart on purchasing and marketing this material for <u>20 years</u> so it would mirror the City's contract with Sims. This was a bit of a surprise given the fact that they city expanded the rigids recycling program in the spring of 2013 and didn't force Sims to have any contracts for the new materials with potential buyers. Furthermore, Sims has said they do not have contracts with buyers for any of the materials they sort. Zero for one month, zero for five years, and zero for 20 years.
- In the middle of July, we learned <u>Mr. Gonen had been meeting with council members telling them that the recycling test with Dart failed and that there is no market for foam</u>. This is flat out not true on both counts. The test we ran with Sims resulted in the successful recycling of foam and rigid PS into pellets and we had already submitted a proposal to buy the material from Sims. To prove there wasn't a market for foam, Mr. Gonen circulated a letter dated June 07, 2013 from Sims. What he wasn't telling everyone is that he gave the pre- written letter to Sims and asked them to sign it. Sims

only agreed to sign it after adding "At this point in time" to it. They added this language to it because they were actively negotiating with Dart.

- After receiving copies of the contracts we submitted to Sims in July, Mr. Gonen wrote to Sims that "5 years is not sufficient." See Exhibit #11. Furthermore, he had the audacity to send Sims an email instructing them what to say about foam. See Exhibit #12. When we met with Commission Doherty about this issue, he assured us that the City will not be involved or interfere with contract talks because both Dart and Sims are private companies.
- In late July, Sims management advised us that Mr. Gonen told Sims that the City demanded to know if a foam recycling program could be established within 30 days because they (Department of Sanitation) wanted this issue resolved and that if Sims couldn't start recycling it within 30 days, they would be proceeding with the ban. Sims told them that they could not get a program in place within that time period.

Due to this correspondence from the City and the impossibility to have a program in place so quickly, Sims suspended further discussions pending outcome of the legislative debate. If the ban does not pass, Sims management has indicated a desire to reopen discussions to try to move forward with a contract. This was confirmed again on November 15th.

The list of Mr. Gonen's interference goes on and on and we have provided a copy of a letter we sent to Commission Doherty documenting it. See Exhibit 13.

Regarding the recent pilot recycling amendment on Int- 1060

Regarding the recent pilot recycling amendment on Int- 1060, we do not support it. It puts too much control into the hands of one person and based on our history of dealing with the Commissioner's office, we do not have faith that foam recycling will be given a fair shot. Plus, a pilot will require the same amount of investment by our industry whether it is a long term program or one year. Would you invest millions of dollars in a program that might only last less than a year?

Conclusion-

As a business that has stepped up to the plate and done everything the Mayor's office has requested and a lot more, we ask for you to support recycling. The City clearly stands to gain a lot. After all, everybody wins with this proposal. The small mom & pops in your districts can continue to use products that work better and cost less. The residents of NYC won't have to pay so much to landfill not only foam cups but all the other foam products plus rigid #6 too! Instead of paying more than $2 million a year for landfills, they can recycle and generate up to $4 million a year. And the environment wins because all of these products get recycled. We

are confident you'll like the program. If not, a ban is still an option. We respectfully ask for your no vote on the foam ban bill Int-1060 and for your support of bill for residential recycling of foam foodservice containers T2013-7195.

Thank you,

Michael Westerfield

Michael Westerfield
Corporate Director of Recycling Programs

#1
1 Page

R·R·R·A·S·O·C
20000 W. 8 Mile Rd., Southfield, MI 48075-5708
Office: 248.208.2270 Fax: 248.208.2273
Website: www.RRRASOC.org

October 14, 2013

New York City Council
250 Broadway
New York, NY 10007

To Whom It May Concern:

The Resource Recovery and Recycling Authority of Southwest Oakland County (RRRASOC) is a municipal solid waste authority representing eight municipalities in southeast Michigan. Our role is to assist our communities in developing and managing cost-effective and environmentally responsible solid waste management and recycling systems.

Since 1994, RRRASOC has partnered with Dart Container to collect and recycle expanded polystyrene foam (EPS). Residents and businesses are able to drop EPS at our recycling drop-off center in Southfield, Michigan. Once a week, Dart Container collects that material from us and delivers that material to their Mason, Michigan site so that it can be recycled.

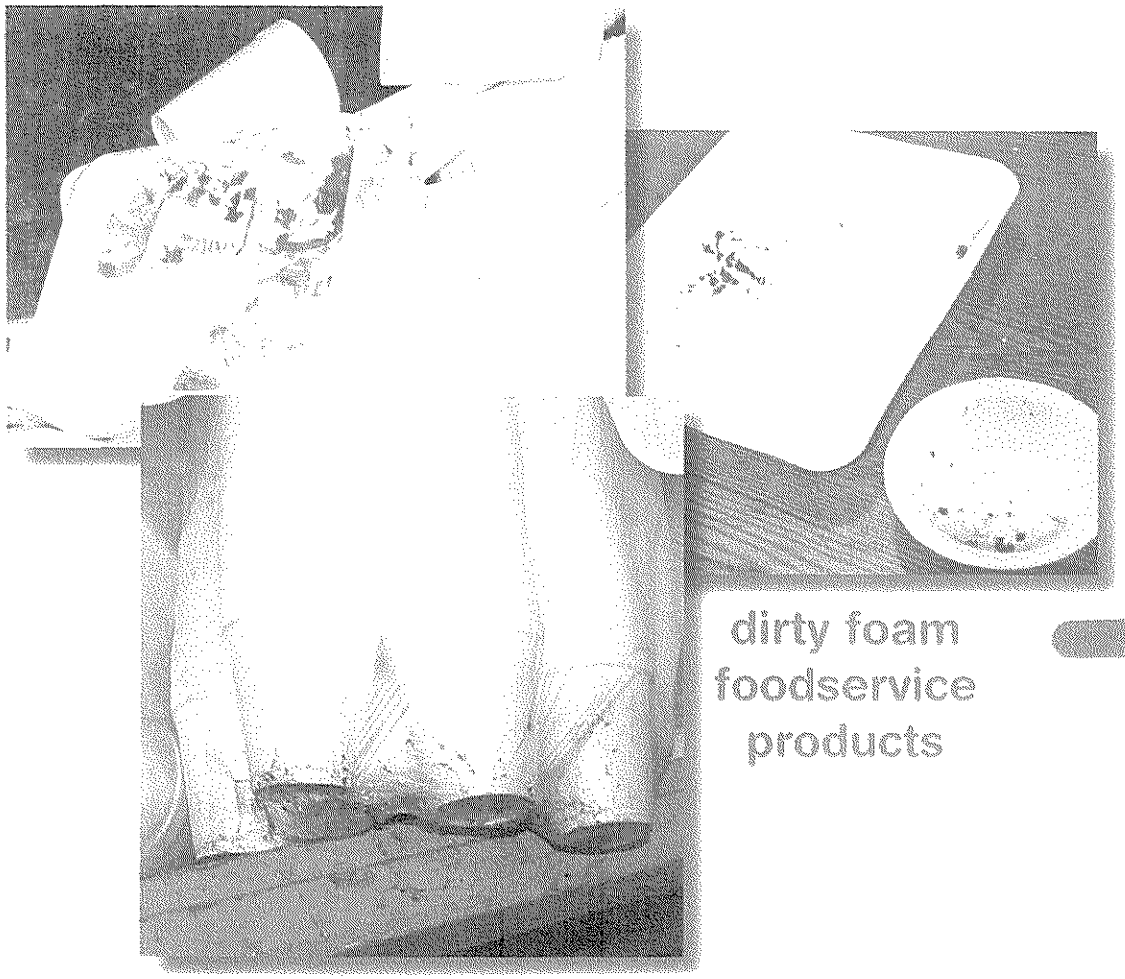
We are pleased to have partnered with Dart Container to ensure that this service is available in our communities. Please let me know if I can answer any questions you have about our program or our experience with Dart Container.

Sincerely,

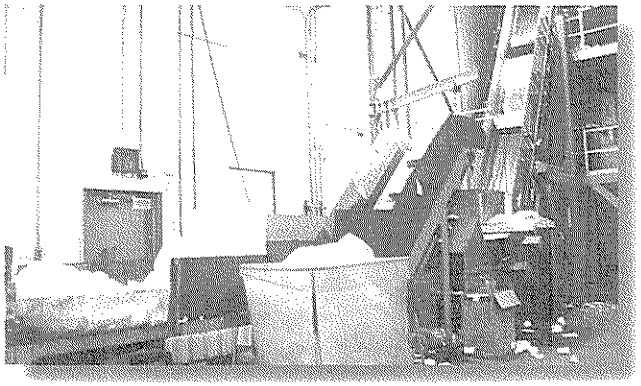
Michael J. Csapo

Michael J. Csapo
General Manager

Washing and Drying Dirty Foam Foodservice Products for Recycling

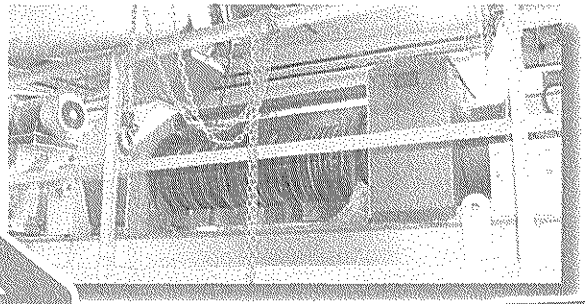


dirty foam foodservice products

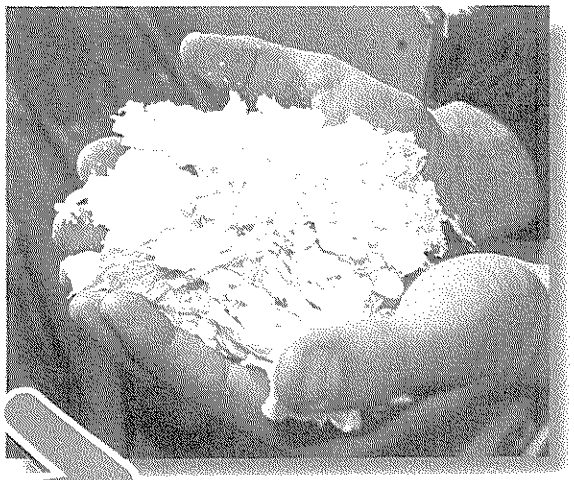


sent through grinder

ground foam washed



dried



clean foam ready for recycling

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#3
5 pages

RECYCLING GUARANTEE AGREEMENT

This Recycling Guarantee Agreement (the "Agreement"), dated as of _____, 2013, has been entered into between DART CARE LLC ("Dart") and SIMS MUNICIPAL RECYCLING OF NEW YORK LLC ("Sims").

1. **GUARANTEED BUYER.** For five (5) years commencing January 1, 2014, and thereafter until Dart shall terminate this obligation to guarantee, so long as (a) the sale or use of rigid or foam polystyrene foodservice products in New York City or in any of the boroughs which comprise New York City is not restricted or banned by governmental action and (b) Sims shall sort and bale all of the rigid and foam polystyrene collected from New York City's residential recycling stream (the "Baled PS"), Dart guarantees a buyer (the "Buyer") for all of the Baled PS that meets the bale specifications which are attached hereto and made a part hereof as Exhibit A (the "Bale Specs"). Dart's guarantee of a Buyer is limited only to rigid and foam polystyrene collected from New York City's residential recycling stream.

2. **GUARANTEED PRICE.** For five (5) years commencing January 1, 2014, Sims agrees that it shall charge no more than $160.00 per ton for Baled PS that meets the Bale Specs, F.O.B. Sims's Jersey City and South Brooklyn MRFs. After December 31, 2018, Sims may increase this price annually by the lesser of (i) two and one-half percent (2.5%) or (ii) the percentage increase over the preceding calendar year of the Consumer Price Index for all Urban Consumers, U.S. City Average, All Items.

For five (5) years commencing January 1, 2014, and thereafter until Dart shall terminate this obligation to guarantee, so long as (a) the sale or use of rigid or foam polystyrene foodservice products in New York City or in any of the boroughs which comprise New York City is not restricted or banned by governmental action and (b) Sims shall sort and bale the Baled PS, Dart guarantees a price of $160.00 per ton for Baled PS sold that meets the Bale Specs, F.O.B. Sims's Jersey City and South Brooklyn MRFs (the "Guaranteed Price"). During the period described in the preceding sentence, Sims shall forward to Dart copies of all paid invoices for shipments that qualify for the Guaranteed Price and, within 30 days after receipt thereof, Dart shall pay Sims the amount by which the paid invoice price is less than the Guaranteed Price.

3. **TALLIES OF PURCHASED BALED PS AND THE YIELD.** Dart shall maintain written tallies (in pounds) of (i) all Baled PS purchased and received by the Buyer and (ii) all merchantable polystyrene yielded from the Buyer's recycling processes for the Baled PS (the "Yield"). Upon Sims's written request, Dart shall report these two tallies to Sims, but not more frequently than once per calendar quarter.

4. **ACCESS.** Upon Sims's prior written request, not more often than once per calendar quarter, Dart will arrange for representatives of Sims and New York City to tour the recycling facility of the buyer of the Baled PS.

5. **DART RIGHT OF FIRST REFUSAL.** During the period described in Sections 1 and 2, Sims shall sell all Baled PS to the then-current Buyer. In the event Dart exercises its termination right under Sections 1 and 2, then thereafter Sims shall provide Dart with copies of all offers Sims receives to purchase all or any portion of the Baled PS. Dart shall have the right of first refusal to purchase the amount of Baled PS covered by any such offer by matching the price and other terms of the offer. To be effective, Dart shall exercise or choose not to exercise its right of first refusal for each offer within three (3) business days of its receipt from Sims of each offer.

6. **LANDFILLING CHARGE.** For any period after December 31, 2018, upon thirty (30) days prior written notice to Sims, Dart may terminate its guarantees described in Sections 1 and 2 above. If Dart exercises this termination right effective as of January 1, 2019, then Dart shall pay Sims a Landfill Charge (described below) for each of the calendar years 2019, 2020, and 2021. If Dart exercises this termination right effective as of January 1, 2020, then Dart shall pay Sims a Landfill Charge for each of the calendar years 2020 and 2021. If Dart exercises this termination right effective as of January 1, 2021, then Dart shall pay Sims a Landfill Charge for the calendar year 2021. If Dart exercises this termination right effective as of January 1, 2022, or any subsequent date, then Dart shall owe no Landfill Charge.

The Landfill Charge shall equal the cost, not to exceed $100.00 per ton, of landfilling an amount equal in size to the average annual Yield for the five calendar years immediately preceding Dart's termination. The Landfill Charge shall be capped at One Million Dollars ($1,000,000.00) for any calendar year and shall be payable by Dart to Sims on a quarterly basis. Notwithstanding the preceding, Dart shall have no obligation to pay such the Landfill Charge (a) for any amounts of Baled PS for which Sims has received an offer to purchase at a price of at least $160.00 per ton or (b) if the sale or use of rigid or foam polystyrene foodservice products in New York City or in any of the boroughs which comprise New York City becomes restricted or banned by governmental action.

7. **TERMINATION AND DEFAULT.** If (a) the sale or use of rigid or foam polystyrene foodservice products in New York City or in any of the boroughs which comprise New York City becomes restricted or banned by governmental action, (b) New York City discontinues or substantially limits the residential collection of rigid or foam polystyrene, or (c) Sims no longer has the contract to sort and bale the material from New York City's residential recycling stream, then, upon thirty (30) days written notice to Sims, Dart may terminate this Agreement and Sims promptly thereafter shall reimburse Dart for the unamortized portion of the amount paid by Dart for the purchase of the Equipment, as that term is defined in the Infrastructure Equipment Agreement entered into between Dart and Sims contemporaneously with the signing of this Agreement, with the Equipment deemed to have a useful life of twenty (20) years.

If Sims fails to perform its obligations under this Agreement in the manner and at the time required hereunder, or if Sims otherwise breaches this Agreement, then Dart, upon written notice to Sims, may immediately cancel this Agreement without prejudice to any of its other rights and remedies

and, upon such cancellation, Sims promptly shall reimburse Dart in full the amount Dart paid for the Equipment. Unless Dart shall elect otherwise by written notice to Sims, this Agreement shall be automatically cancelled in the event that Sims becomes bankrupt or insolvent, or makes or executes any bill of sale, deed of trust, or assignment for the benefit of creditors, or attempts to sell, create a security interest in, lease, or remove the Equipment, or in the event that a receiver is appointed for Sims, or any distress, execution, or attachment is levied on the Equipment.

8. EXCLUSIVE REMEDIES. Dart's remedies provided in this Agreement shall not preclude Dart from any other remedy to which it is entitled under law. Sims's remedies stated in this Agreement are exclusive.

9. TAXES. Sims agrees to pay, to indemnify Dart for, and to hold Dart harmless from and against all impositions arising out of the transactions contemplated by this Agreement and imposed against Dart or Sims by any federal, state, local, or foreign government or taxing authority, including any personal property taxes, but excluding taxes on or measured solely by the net income of Dart.

10. ASSIGNMENT. NEITHER THIS AGREEMENT NOR ANY RIGHT OR INTEREST UNDER THIS AGREEMENT SHALL BE ASSIGNED, TRANSFERRED, OR DELIVERED TO ANY OTHER PERSON BY SIMS. Dart may assign all or any portion of this Agreement. This Agreement shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors, and, only as permitted under this Agreement, their assigns.

11. NOTICES. Any notice required under this Agreement shall be deemed given upon its posting, provided that it is (i) signed by an officer of the party giving the notice, (ii) posted by prepaid letter, and (iii) addressed to the other party at the address for that party shown on the signature page of this Agreement.

12. GOVERNING LAW. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan without regard to principles of conflict of laws. Sims and Dart agree to submit to the jurisdiction of the courts of the State of Michigan in any action or proceeding arising out of or relating to this Agreement.

13. SAVINGS CLAUSE. Any provision of this Agreement which may be determined by competent authority to be prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of the prohibition or unenforceability without invalidating the remaining provisions of this Agreement, and any prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable the provision in any other jurisdiction. To the extent permitted by applicable law, Sims waives any provision of law which renders any provision of this Agreement prohibited or unenforceable in any respect.

14. AMENDMENTS. The terms of this Agreement shall not be waived, altered, modified, amended, supplemented, or terminated in any manner except by written instrument signed by Dart and Sims or as otherwise specifically permitted in this Agreement. This Agreement supersedes (a) all agreements

previously made between the parties relating to its subject matter and (b) any terms and conditions of any purchase order relating to this Agreement which implicitly or explicitly conflict with the terms and conditions hereof. There are no other understandings or agreements between them.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties have each caused this Agreement to be duly executed by their respective officers who were duly authorized to execute this Agreement.

DART CARE LLC

as Dart

By:_____

Print Name:_____

Title:_____

Date:_____

Address: 500 Hogsback Road, Mason, MI 48854

SIMS MUNICIPAL RECYCLING OF NEW YORK LLC

as Sims

By: _____

Print Name:_____

Title:_____

Date:_____

Address: 80 State Street
Albany, New York 12207

Post-consumer Bale Specification: ***MRF Mix Polystyrene***

Any polystyrene (Rigid or Foam) collected at Sims NYC or Jersey City location. All mixed PS bales should be free of liquids. Post-consumer is defined as "used for its intended purpose and otherwise directed to disposal". Plastic may be coded with ASTM D7611 resin identification code.

ALLOWABLE LEVELS OF CONTAMINANTS: Total contaminants should not exceed **5%** by weight. No more than **2%** by weight of any of following individual contaminants will be allowed except as noted:

- Non-polystyrene or other plastics,
- Labels,
- Liquid residue (1% maximum).

THE FOLLOWING CONTAMINANTS ARE NOT ALLOWED AT ANY LEVEL:

- Wood
- Glass
- *Oils and Grease
- Rocks, stones, mud, dirt
- Medical and hazardous waste
- Metallized labels or films
- Multi-material pouches
- ABS
- Film

***Oil and grease residue from food is acceptable.**

IMPORTANT: Any plastic item that previously contained or contacted any hazardous or potentially hazardous material, including but not limited to chemical agricultural products, pesticides, herbicides, waste oil, paint, medical products (drugs, IV solutions, syringes/hypodermic needles, sharps), flammable, corrosive or reactive liquids, grease and solvents should be strictly avoided (Grease residue from food is acceptable). This rule applies even if the aforementioned material was not the original contents of a bag. PRI reserves the right to reject an entire load if any of the above materials are found and will return them at Sim's expense.

Bale Size/Minimum Shipping Weight/ Tare Weight: Approximately 30"x42"x 48" or 30"x48"x 60". Bale sizes should allow a minimum of 38,000 pounds to be shipped on 53 foot trailer. A tare weight of 8 pounds per bale may be taken from the gross weight. Loads weighing less than 38,000 lbs will not be accepted by PRI.

Bale Density: 15lbs/ft3 or the minimum to achieve 38,000 pounds in a trailer load.

Bale Integrity: Bale integrity must be maintained throughout loading, shipping, unloading and storage.

Bale Wire: Bales should be held together with 10-12 gauge, noncorrosive galvanized metal wire, with all bale wires wrapped in one direction (crisscrossing or double strapping should be preapproved by the buyer before shipping). A minimum number of bale wires should be used to maintain bale integrity. This number will vary with bale size and density.

Storage: Bales should be stored, with the bottom bale on a pallet, indoors or covered outdoors. Material must not be stored outdoors uncovered for a period exceeding four (4) weeks to prevent UV degradation from direct sunlight and moisture contamination.

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5 Pages

INFRASTRUCTURE EQUIPMENT AGREEMENT

This Infrastructure Equipment Agreement (the "Agreement"), dated as of _____, 2013, has been entered into between DART CARE LLC ("Dart") and SIMS MUNICIPAL RECYCLING OF NEW YORK LLC ("Sims").

1. **EQUIPMENT.** Dart agrees to pay $_____ for polystyrene sorting infrastructure equipment (the "Equipment") to be used at Sims's South Brooklyn and Jersey City MRFs. Dart's payment for the Equipment shall be made directly to the seller(s) of the Equipment. The purchase, delivery, installation, maintenance, repair, and operation of the Equipment shall be the sole responsibility of Sims.

2. **RECYCLING COMMITMENTS.** In consideration of Dart's payment described in Section 1 above, from January 1, 2014, through December 31, 2033, Sims agrees to use the Equipment to sort and bale all of the rigid and foam polystyrene that is collected from New York City's residential recycling stream (the "Baled PS"). The Equipment shall not be used to sort or bale any other material. Sims shall sell the Baled PS to a customer selected by Dart (the "Customer"). All Baled PS is subject to the bale specifications attached hereto and made a part hereof as Exhibit A (the "Bale Specs"). If any Baled PS sold to a Customer does not meet the Bale Specs, then Sims, in a timely manner, shall reimburse in full the Customer for the purchase price the customer paid for the non-spec Baled PS and for all freight and disposition costs associated with such non-spec Baled PS. If, at any time prior to December 31, 2033, either (a) Sims ceases to sort and bale all or any substantial part of the baled rigid or foam polystyrene that is collected from New York City's residential recycling stream or (b) the sale or use of rigid or foam polystyrene foodservice products in New York City or in any of the boroughs which comprise New York City becomes restricted or banned by governmental action, then Sims promptly shall reimburse Dart the unamortized amount Dart paid for the Equipment, with the Equipment deemed to have a useful life of twenty (20) years.

3. **DISCLAIMER OF MAINTENANCE AND REPAIR OBLIGATIONS.** WITH RESPECT TO THE EQUIPMENT, (A) DART DISCLAIMS ANY MAINTENANCE OR REPAIR OBLIGATIONS AND DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR OTHERWISE, (B) NO PROMISE OR AFFIRMATION OF FACT MADE BY ANY AGENT OR REPRESENTATIVE OF DART OR ITS AFFILIATES SHALL CONSTITUTE A WARRANTY BY DART OR ITS AFFILIATES, NOR SHALL IT GIVE RISE TO ANY LIABILITY OR OBLIGATION, AND (C) UNDER NO CIRCUMSTANCES (INCLUDING BUT NOT LIMITED TO THE INSTALLATION, OPERATION, USE, OR REPAIR OF THE EQUIPMENT OR PARTS FOR THE EQUIPMENT) SHALL DART OR ITS AFFILIATES BE LIABLE FOR SPECIAL OR INDIRECT DAMAGES, OR INCIDENTAL OR CONSEQUENTIAL DAMAGES AS THOSE TERMS ARE DEFINED IN ARTICLES 2 AND 2A OF THE UNIFORM COMMERCIAL CODE.

4. **ACCESS.** Sims agrees to, at least once per calendar quarter upon Dart's request, provide

tours of each of Sims's South Brooklyn and Jersey City MRFs to representatives of Dart and up to ten (10) additional guests.

5. **RISK OF LOSS.** Upon installation, the Equipment shall be held at all times at Sims's sole risk from injury, loss, or destruction. If the Equipment is destroyed before redelivery to Dart, then Sims shall pay Dart its fair market value immediately preceding the time of destruction, less its salvage value, if any, after the destruction, and, upon Dart's request, Sims shall return to Dart any remains of the destroyed Equipment.

6. **INDEMNIFICATION.** Except for claims resulting solely from Dart's negligent acts, Sims agrees to assume liability for, and to indemnify, protect, save and keep harmless Dart and its affiliates from and against all claims (including any costs and expenses associated with the litigation of such claims) which may be imposed on, incurred by or asserted against Dart or any of its affiliates, in any way relating to or arising out of this Agreement or any document contemplated by this Agreement, or the performance or enforcement of any of the terms of this Agreement, or in any way relating to or arising out of the purchase, ownership, possession, use, operation, maintenance, repair, condition, registration, sale, storage or disposition of the Equipment or any accident in connection therewith.

During the entire term of this Agreement Sims, at its sole expense, shall maintain (i) a comprehensive general liability policy, including contractual liability endorsements covering all of Sims's obligations hereunder, having limits for personal liability and real and personal property damage (including any damage to the Equipment) of not less than $2,000,000 per occurrence, together with a $5,000,000 umbrella policy, and (ii) workers' compensation coverage as required by law. This insurance must be with insurance companies and in form acceptable to Dart. A certificate of the insurer, certifying that a policy has been issued which provides the coverage required by this Section, must be received by Dart before Dart's payment for the Equipment and, upon renewals of any policy, not less than 30 days prior to the expiration of such coverage.

Each policy shall contain: (i) a cross-liability clause; (ii) a provision that the policy and the coverage evidenced by it shall be primary and non-contributing with respect to any policies carried by Dart, and that any coverage carried by Dart shall be excess insurance; (iii) a provision which includes Dart and any other parties in interest designated by Dart as an additional named insured (except with respect to workers' compensation insurance); (iv) a waiver by the insurer of any right of subrogation against Dart, its affiliates, agents, employees, and representatives which arises or might arise by reason of any payment under the policy or by reason of any act or omission of Dart, its affiliates, agents, employees, or representatives; (v) a severability clause; and (vi) a provision that the insurer will not cancel, materially change, or fail to renew the coverage provided by the policy without first giving Dart 30 days' prior written notice.

If Sims fails to maintain or pay for any insurance required by this Section, then Dart may procure such insurance and pay the premiums on the policy. Sims shall repay Dart for all such sums, together with interest and any costs or expenses associated with the insurance, within 10 days

following Dart's written demand to Sims for payment.

7. **DEFAULT.** If Sims fails to perform its obligations under this Agreement in the manner and at the time required hereunder, or if Sims otherwise breaches this Agreement, then Dart, upon written notice to Sims, may immediately cancel this Agreement without prejudice to any of its other rights and remedies and, upon such cancellation, Sims promptly shall reimburse Dart in full the amount Dart paid for the Equipment. Unless Dart shall elect otherwise by written notice to Sims, this Agreement shall be automatically cancelled in the event that Sims becomes bankrupt or insolvent, or makes or executes any bill of sale, deed of trust, or assignment for the benefit of creditors, or attempts to sell, create a security interest in, lease, or remove the Equipment, or in the event that a receiver is appointed for Sims, or any distress, execution, or attachment is levied on the Equipment.

8. **EXCLUSIVE REMEDIES**. Dart's remedies provided in this Agreement shall not preclude Dart from any other remedy to which it is entitled under law. Dart's liability, whether in contract, in tort, under any warranty, or otherwise, shall not, except as expressly provided in this Agreement, exceed the value of the Equipment. Sims's remedies stated in this Agreement are exclusive.

9. **TAXES.** Sims agrees to pay, to indemnify Dart for, and to hold Dart harmless from and against all impositions arising out of the transactions contemplated by this Agreement and imposed against Dart or Sims by any federal, state, local, or foreign government or taxing authority, including any personal property taxes associated with the Equipment, but excluding taxes on or measured solely by the net income of Dart.

10. **ASSIGNMENT. NEITHER THE EQUIPMENT, NOR THIS AGREEMENT, NOR ANY RIGHT OR INTEREST UNDER THIS AGREEMENT SHALL BE ASSIGNED, TRANSFERRED, DELIVERED, OR SUBLET TO ANY OTHER PERSON BY SIMS.** Dart may assign all or any portion of this Agreement. This Agreement shall be binding upon and inure to the benefit of both parties and their respective legal representatives, successors, and, only as permitted under this Agreement, their assigns.

11. **NOTICES.** Any notice required under this Agreement shall be deemed given upon its posting, provided that it is (i) signed by an officer of the party giving the notice, (ii) posted by prepaid letter, and (iii) addressed to the other party at the address for that party shown on the signature page of this Agreement.

12. **GOVERNING LAW.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Michigan without regard to principles of conflict of laws. Sims and Dart agree to submit to the jurisdiction of the courts of the State of Michigan in any action or proceeding arising out of or relating to this Agreement.

13. **SAVINGS CLAUSE.** Any provision of this Agreement which may be determined by competent authority to be prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of the prohibition or unenforceability without invalidating the remaining

provisions of this Agreement, and any prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable the provision in any other jurisdiction. To the extent permitted by applicable law, Sims waives any provision of law which renders any provision of this Agreement prohibited or unenforceable in any respect.

14. AMENDMENTS. The terms of this Agreement shall not be waived, altered, modified, amended, supplemented, or terminated in any manner except by written instrument signed by Dart and Sims or as otherwise specifically permitted in this Agreement. This Agreement supersedes (a) all agreements previously made between the parties relating to its subject matter and (b) any terms and conditions of any purchase order relating to this Agreement which implicitly or explicitly conflict with the terms and conditions hereof. There are no other understandings or agreements between them.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties have each caused this Agreement to be duly executed by their respective officers who were duly authorized to execute this Agreement.

DART CARE LLC

as Dart

By:_____

Print Name:_____

Title:_____

Date:_____

Address: 500 Hogsback Road, Mason, MI 48854

SIMS MUNICIPAL RECYCLING OF NEW YORK LLC

as Sims

By: _____

Print Name:_____

Title:_____

Date:_____

Address: 80 State Street
Albany, New York 12207

Post-consumer Bale Specification: ***MRF Mix Polystyrene***

Any polystyrene (Rigid or Foam) collected at Sims NYC or Jersey City location. All mixed PS bales should be free of liquids. Post-consumer is defined as "used for its intended purpose and otherwise directed to disposal". Plastic may be coded with ASTM D7611 resin identification code.

ALLOWABLE LEVELS OF CONTAMINANTS: Total contaminants should not exceed **5%** by weight. No more than **2%** by weight of any of following individual contaminants will be allowed except as noted:

- Non-polystyrene or other plastics,
- Labels,
- Liquid residue (1% maximum).

THE FOLLOWING CONTAMINANTS ARE NOT ALLOWED AT ANY LEVEL:

- Wood
- Glass
- *Oils and Grease
- Rocks, stones, mud, dirt
- Medical and hazardous waste
- Metallized labels or films
- Multi-material pouches
- ABS
- Film

***Oil and grease residue from food is acceptable.**

IMPORTANT: Any plastic item that previously contained or contacted any hazardous or potentially hazardous material, including but not limited to chemical agricultural products, pesticides, herbicides, waste oil, paint, medical products (drugs, IV solutions, syringes/hypodermic needles, sharps), flammable, corrosive or reactive liquids, grease and solvents should be strictly avoided (Grease residue from food is acceptable). This rule applies even if the aforementioned material was not the original contents of a bag. PRI reserves the right to reject an entire load if any of the above materials are found and will return them at Sim's expense.

Bale Size/Minimum Shipping Weight/ Tare Weight: Approximately 30"x42"x 48" or 30"x48"x 60". Bale sizes should allow a minimum of 38,000 pounds to be shipped on 53 foot trailer. A tare weight of 8 pounds per bale may be taken from the gross weight. Loads weighing less than 38,000 lbs will not be accepted by PRI.

Bale Density: 15lbs/ft3 or the minimum to achieve 38,000 pounds in a trailer load.

Bale Integrity: Bale integrity must be maintained throughout loading, shipping, unloading and storage.

Bale Wire: Bales should be held together with 10-12 gauge, noncorrosive galvanized metal wire, with all bale wires wrapped in one direction (crisscrossing or double strapping should be preapproved by the buyer before shipping). A minimum number of bale wires should be used to maintain bale integrity. This number will vary with bale size and density.

Storage: Bales should be stored, with the bottom bale on a pallet, indoors or covered outdoors. Material must not be stored outdoors uncovered for a period exceeding four (4) weeks to prevent UV degradation from direct sunlight and moisture contamination.

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BURRTEC
WASTE INDUSTRIES, INC.
"We'll Take Care Of It"

October 07, 2013

New York City Council
250 Broadway
New York, NY 10007

Honorable New York City Council,

Owned and operated by the Burr family for over 50 years, Burrtec Waste Industries and its affiliates make up one of the largest privately owned Solid Waste Collection and Processing Companies in the State of California Burrtec's success is a result of our commitment to exemplary customer service and the offering of innovative services. One of the innovative services we offer is residential curbside recycling for foam.

In 2009 we partnered with Dart Container Corporation and the Plastics Foodservice Packaging Group (A self-funded group of the American Chemistry Council) on a pilot program to sort foam cups, block foam, egg cartons, meat trays, ice chests, etc Ultimately, the pilot test was successful and we now sort foam at two of our material recovery facilities. The program works as follows.

- The public places foam in the same recycling bin as their plastic, aluminum, tin, and paper.
- Packer trucks collect the recyclables curbside and deliver it to one of our sorting facilities.
- The material is sorted from a conveyor by people.
- The foam is then compacted and sold to various buyers in 35,000 to 40,000 lb increments.

The two Burrtec MRF's that sort this material service 1 5 million people and sort approximately 10,000 pounds of foam per month. While the markets and prices for many plastics tend to be volatile, the markets and prices for foam have remained steady.

If you have questions about our foam recycling program or would like to take a tour, we welcome you to tour one of our Southern California facilities

Sincerely,

Richard Crockett
General Manager
Burrtec Waste Industries, Inc.

13373 Napa Street • Fontana, California 92335 • 909-899-5501 • FAX 909-899-5511

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PLASTIC RECYCLING, INC.

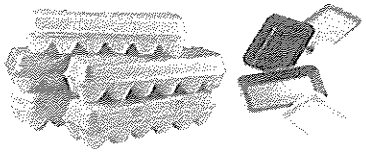
September 23, 2013

New York City Council
250 Broadway
New York, NY 10007

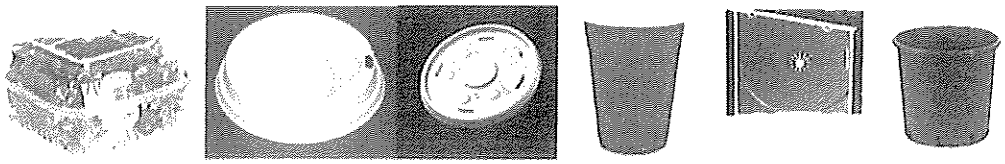
Honorable New York City Council,

Plastic Recycling Inc. wants to purchase the foam cups and containers that travel through New York City's residential waste stream. We have been in business since 1988 and specialize in recycling the plastic used to make foam cups (#6). In fact, we recycled 60 million pounds of the material just last year. We need this material to satisfy demand and we feel this is a much better solution for NYC than a ban for several reasons-

1. If you vote to ban foam cups and take-out containers, many other foam products will still be legal but will be landfilled. Here are some examples-



2. If you vote to recycle foam cups, we will buy them as well as virtually all of your other foam products.
3. Plus, we will also buy all of your rigid plastic materials made with plastic #6. This is a big win for NYC because they are currently being landfilled. Here are some examples-



4. If you oppose the ban and all of these materials are recycled, it will generate more than $4 million in revenue!

We hope you will agree that we are offering a solution that will benefit the environment, NYC residents, NYC businesses, and NYC government far more than a ban. Please let us know if you have any questions.

Sincerely,

Alan Shaw
Owner

2015 S. PENNSYLVANIA, INDIANAPOLIS, IN 46225 TEL/ 317.780.6100 FAX/ 317.780.6110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1 Page

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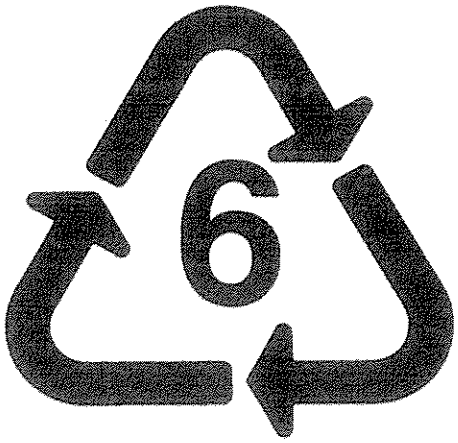

PS

See Sample Pellets

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By Andrea Swalec on February 6, 2013 7:32am | Updated on February 6, 2013 7:32am

@AndreaSwalec twitterfacebookgooglepinterestredditstumbleuponemailshare

WEST VILLAGE — Takeout food and to-go coffee will no longer be served in Styrofoam containers if the city Sanitation Department has anything to say about it.

The department is planning to suggest the city ban all food-service providers from using containers made from the material, an official said Monday night.

"I'm proposing legislation to ban Styrofoam in New York City," deputy commissioner for recycling and sustainability Ron Gonen said.

Details of the suggested legislation are being hammered out now, Gonen said, but it will focus on businesses that buy huge amounts of the hazardous material, not on individual consumers.

"The onus would not be on the consumer," he said. "This would not be something that the consumer would have to deal with."

Gonen, who was appointed to the newly created recycling czar position in May, said restrictions on the to-go materials restaurants use would be good for the city's budget as well as for the environment.

"From a pure dollars-and-cents standpoint, it costs us money to dispose of Styrofoam in a landfill," he said. "It's also unhealthy for the environment. It doesn't break down properly."

Gonen declined to comment on whether he has discussed the plan with the office of Mayor Michael Bloomberg, who has been criticized for so-called "nanny state" restrictions on the size of sugar-sweetened drinks restaurants can sell and where people can smoke.

A spokesman for Bloomberg did not respond to an inquiry about the possible ban.

A Styrofoam ban has been previously reviewed by the City Council.

A group of 16 councilmembers co-sponsored legislation in October 2009 that asked the state Legislature to give food-service businesses tax incentives for using environmentally friendly alternatives to Styrofoam. The resolution never made it out of committee.

Previous Styrofoam ban supporter Councilman Lewis A. Fidler said he would support a renewed push for restrictions.

"I would love to move this bill forward, as it would be a help to both our environment and to our businesses through tax incentives," he said in a statement Tuesday.

"I am always hopeful that Councilman [James F.] Gennaro, who chairs our environmental protection committee, and [City Council Speaker Christine Quinn's] office will find a way to get this done."

Seattle and parts of California have already prohibited takeout restaurants from using Styrofoam clamshell boxes.

According to the federal Environmental Protection Agency, Styrofoam, which is a trademark for extended polystyrene, releases into the air pollutants known to cause health problems.

Gonen said New York businesses using materials that damage the environment will have to answer to the city. "We're either going to ban your product or packaging, or make you pay

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No viable option for polystyrene

Recently, the American Chemistry Council described what it believed to be the economic impact on businesses if the proposed ban of expanded polystyrene foam products used by the food service industry in New York City is passed by City Council. [see page 6] New York City disagrees with the description.


Ron Gonen

In fact, NYC was driven to propose the ban based on the fact that foam is a costly contaminant to our recycling and organics collection stream. In addition, we believe that this ban will support the many local and national businesses that have aligned with our goal of ensuring that all products and packaging are recyclable.

NYC has long-term contracts to recycle and sell a wide range of paper, metal, glass, plastic, textiles and e-waste. The private companies and industries that own and manage these contracts have invested in the long-term sustainability and excellence of our recycling and waste diversion programs.

NYC has both the highest landfill disposal costs of any major city in North America and the largest amount of waste. Our landfill disposal bill last year was more than $300 million and we expect that cost to continue to increase unless we are able to divert a significant amount of waste from landfills.

Thirty-five percent of our waste stream is recyclable paper and metal, glass and plastic (MGP), 35% is organic material and 10% is textiles and e-waste. The remaining 20% is represented by "other," which is comprised of materials like polystyrene foam that NYC has never been able to viably recycle for and must therefore send to landfills. Even worse, that material contaminates and disrupts our paper, MGP, and organics streams at a significant cost to taxpayers.

Along with deploying robust recycling programs to capture recyclable material, we are actively engaged in waste characterization studies to identify any products or packaging in our waste stream that we have never been able to viably recycle and market. When those materials are identified, our preference is that the specified company or industry pro-actively provide a method and contract for diverting that material from landfills, recycling and marketing it. If they are unable to do so, then we will seek alternative methods to ensure that taxpayers do not carry the cost burden of sending that material to landfill.

The information from the American Chemistry Council did not include a method, offer or contract to collect, process or market polystyrene foam, or discusst taking responsibility for the cost that taxpayers incur for sending the material to landfill or the cost that our paper, MGP and organics processors incur when it contaminates their material. Instead, it claimed a supposed cost that businesses will incur by switching to alternative products like paper, other plastics and compostable products.

First, we have never been presented with the corroborating data or the list of businesses that the American Chemistry Council's report is referring to. Second, we have received strong support for the ban from businesses that manufacture paper, plastic and compostable products for the food service industry and the many local businesses in the food service industry and national chains that long ago eliminated polystyrene foam from their businesses.

In addition, San Francisco, Seattle and Portland, Ore., have all implemented bans on expanded polystyrene containers and continue to have a growing, healthy and robust food service and restaurant industry while also achieving the highest diversion rates in the country.

We would welcome and encourage the American Chemistry Council to submit a proposal to New York City and its MRF operators on how foam can be profitably sorted and sold to a market for reuse and or recycling. That type of proposal would be viewed as collaborative and mutually beneficial to the city, MRFs and the foam industry.

Ron Gonen is New York City's deputy commissioner of sanitation, recycling and sustainability.

Send us your letters

Waste & Recycling News welcomes letters and opinion pieces. Submissions must contain a phone number for verification.
- **Email:** editorial@wasterecyclingnews.com.
- **Fax:** 313-446-1027.
- **Mail:** 1155 Gratiot Ave., Detroit, MI, 48207.

"When those materials are identified, our preference is that the specified company or industry pro-actively provide a method and contract for diverting that material from landfills, recycling, and marketing it." Ron Gonen

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From: Gonen, Ron
Sent: Monday, July 22, 2013 6:18 PM
To: Tom Outerbridge
Cc: Hirschler, David
Subject: RE: Dart Recycling Guarantee Agreement for Sims 071713.pdf

1. Contract length: 5 years is not sufficient. Our material contracts with Sims and Pratt are for 20 years.

2. Recycle: this is an offer to "buy" whatever material shows up at Sims, not to "Recycle" it. They need to demonstrate how they plan to recycle it. What happens if the third party recycler goes out of business?

3. Allowable level of contamination: Can Si ms meet these requirements? If Dart does not accept the Bale, then who incurs the cost? It effectively calls for less than 1% contamination.

4. Bales density/minimum load weight: Can Sims meet these requirements?

5. legal claims: The City incurs legal li abilities if it states that something is being recycled when it is not. They/Sims need to cover any legal claims made against the City if the polystyrene is not recycled.

6. Cost: Does Sims have the equipment and space to separate and bale the polystyrene ? No additional cost can be incurred by the City.

7. Post contract: offer is to pay no more than $1m. In 2012 NYC spent $1.95m on disposal of foam. How do they plan to make up the cost difference?

-----Original Message-----
From: Tom Outerbridge [mailto:Tom.Outerbridge@simsmm.com]
Sent: Monday, July 22, 2013 5:13 PM
To: Gonen, Ron
Subject: Dart Recycling Guarantee Agreement for Sims 071713.pdf

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From: Gonen, Ron
Sent: Tuesday, July 23, 2013 10:16 AM
To: Tom Outerbridge; Maite Quinn
Subject: Messaging on foam

Tom,

What we would like for Sims to say is:

1. Foam is contaminant in the MGP stream. As such, it is counted against NYC's contamination rate which negatively impacts the NYC's revenue share agreement with Sims.

2. Sims conducted a test with Dart to recycle foam in q2. This test failed.

3. Sims has never received a viable contract offer for the recycling of foam.
If it does, it will notify DSNY directly.

Sent from my iPhone

#13
6 Pages

DART CONTAINER CORPORATION

MASON, MICHIGAN 48854 • TELEPHONE (517) 676-3803 • LEGAL DEPT. FAX (517) 244-2631

FRANCIS X. LIESMAN, II
Government Affairs and the Environment

October 8, 2013

Commissioner John J. Doherty
New York City Department of Sanitation
Central Correspondence Unit
346 Broadway, 10th Floor
New York, NY 10013

RE: Polystyrene Recycling Proposal

Dear Commissioner Doherty:

I am following up with you on behalf of Dart Container Corporation ("Dart") to document and confirm to you our concerns relative to efforts by New York City Department of Sanitation ("DSNY") to interfere with a proposal that Dart has submitted to SIMS, the City's metal, glass, and plastic (MGP) recycling company. This letter comes on the heels of your recent meeting with Michael Westerfield, Dart's Corporate Director of Recycling, Violet Moss, Senior Vice President from Mercury LLC, and former New York City Council member Ken Fisher, at which meeting they urged you to help New Yorkers move forward the "Recycling Everything" program and promote the City of New York as an innovator and not just another ban city.

As they discussed, we met with you on June 19, 2013 and again on September 26, 2013 to discuss Mayor Bloomberg's proposed ban bill on polystyrene foam food containers. At the first meeting, you were very clear that Dart was free to pursue a contract with SIMS Municipal Recycling ("SIMS"), the current and only MGP sorter for the City of New York, without city interference. As you know, SIMS does not actually recycle the materials it collects. Rather, it sorts the materials and sells the bundled material in 35000-40000 lb. containers to businesses that use it to make new products. You were explicit that negotiations for such a recycling contract was SIMS's and Dart's business and the Department of Sanitation would play no role. We were pleased to receive your assurance as we had actively been pursuing such a program for the City from the time that Mayor Bloomberg announced his proposed foam ban at the State of the City speech on February 14, 2013.

Both prior to our initial June meeting and since that time, we believe that we have done everything possible to help the City achieve a successful recycling program not only for polystyrene foam but also rigid polystyrene products which would not be covered by such a ban. As you know, the Administration's bill covers only food service foam products, such as school lunch trays and C-store coffee cups. It cannot and does not cover packaging materials, such as those that protect shipped electronics. However, as a matter of great concern to us, your Deputy Sanitation Commissioner for Recycling and Sustainability, Ron Gonen, seems to be actively undermining any opportunity for Dart to move forward with the City in launching a successful recycling program. During our second meeting we shared examples of his meddling and you still said you were not aware of any interference and would not be taking corrective action. As a result, we promised to outline the facts concerning Mr. Gonen's activities in hopes that you will reconsider:

- In the March 4, 2013 Waste & Recycling News, Mr. Gonen states, "It's not that we're looking at Styrofoam in a vacuum; what we're actually doing is looking at our entire waste stream comprehensively. Anything that we see in our waste stream that's either not recyclable or it's recyclable but it doesn't have a market, we're looking to work with that manufacturer or that industry to make sure that they provide a product or packaging that is recyclable or they create a market for their product or packaging. If they can't or they're not interested in doing so, we're going to look for other ways to resolve that situation." Dart has created a market for not only polystyrene foam, but also for all polystyrene rigid plastics. During a March 19 meeting with Stephen Sherrill (Policy Advisor to the Deputy Mayor of Operations- Cas Holloway), and David Hirschler (Deputy Director Waste Prevention) that foam recycling was up to SIMS but nonetheless, that he was going to proceed with a ban. However, he also said that in order for him to not move forward with support for the ban proposal, we need to:

  1. Prove that foam recycling is viable on a long term basis with SIMS. He said that we would need to sign a 20 year contract with SIMS, a condition that SIMS had never mentioned as a contract requirement to that point in time, and which the City has not made SIMS enter with any other vendor, for any period of time, let alone a 20 year contract.
  2. Determine how to remove foam as a contaminant from the City's fiber waste stream. However, as you are aware, most foam contamination in the fiber stream comes from packaging foam, not foodservice materials. As a result, a ban does little if any about the issue raised by Mr. Gonen. In fact, a ban would likely prevent a program for recycling this material from ever being created.
  3. Remove foam as a contaminant from the City's composting pilot. At our June meeting, Commissioner, you stated that this was a minor concern and not a focus driving the ban discussion.

- On March 22, 2013, Mr. Gonen gave a presentation at the Sustainable Packaging Coalition meeting in San Francisco and said foam is not recyclable and that there aren't markets for it, despite the fact that we had met with and given to Mr. Gonen information on California curbside recycling programs, such as the one in Los Angeles, and viable

post-consumer markets for polystyrene foam at the March 19 meeting, a mere 3 days before.

- On April 2, 2013, Dart's Corporate Director of Recycling Michael Westerfield met with Maite Quinn (Responsible for selling sorted material for SIMS), Tom Outerbridge (SIMS General Manager), and Mike Centers (Dart consultant from Titus/Recycling Analytics). We presented two references from material recovery facilities successfully sorting expanded polystyrene foam along with 20 businesses interested in buying foam from SIMS new NYC facility if SIMS decides to sort the material. SIMS asked if Dart would be willing to work with them on developing the markets and followed-up by asking which businesses on our reference list we would recommend targeting for a partnership. However, SIMS said that Mr. Gonen was pressuring SIMS to say that SIMS supports a polystyrene foam ban. SIMS was reluctant to do so.

- On April 4, 2013, Michael Westerfield met with Hank Levin, Pratt Industries Inc.'s New York Department of Sanitation Contract Manager- Mill Division. When Michael asked Mr. Levin if Pratt/Visy had complained to NYC about foam contamination in the fiber stream, he said "No" but stated Mr. Gonen had raised the issue. Mr. Levin also acknowledged that the bales of paper fiber he showed Dart were contaminated with foam packaging material, not post-consumer food packaging.

- On April 24, 2013, Mayor Bloomberg announced the expansion of your recycling program to include all rigid plastics. We contacted SIMS to inquire as to whether SIMS in fact had markets for all the rigid plastics. SIMS confirmed they do not have markets for all of the materials so some of these materials will be landfilled and Mr. Gonen was aware of this fact. At the time, we thought it unusual that Mr. Gonen would be so agreeable to having other recyclable plastics landfilled, and yet was so supportive of a ban on foam when we had shown it was able to be recycled and buyers were eager for the product. Further, the City actively promotes the acceptance of such rigid plastics on its website, yet there is no mention that some of the materials are being landfilled while SIMS attempts to find markets for the material.

- During the months of May and June, 2013, we had several calls with SIMS discussing the terms under which we could recycle polystyrene foam. SIMS asked us for a 5 year commitment, to which we agreed. SIMS also asked for assistance in buying sorting equipment. Dart agreed to provide $500,000 towards the purchase of capital equipment and expressed the position that we would be open to negotiating additional capital support. We guaranteed to pay $160 per ton of polystyrene foam material, which was similar to the Market price for old corrugated cardboard, and which was acceptable to SIMS.

- During a conference call with SIMS on June 5, 2013, we learned that Mr. Gonen demanded that SIMS sign a pre-written letter stating that it (SIMS) doesn't have any markets for foam. SIMS said they tried to remain neutral and included the qualifying phrase, "At this point in time," to soften that statement since they were actively negotiating with Dart. This letter is dated June 7 and was circulated to Council Members

by Mr. Gonen. Mr. Gonen has misrepresented this letter to be proof that there are no markets for NYC's foam foodservice containers.

- On June 11, 2013, we again met with SIMS at which time they stated that they had shared our offers to Mr. Gonen and he directed them to "make Dart commit to a long term contract." To the best of our knowledge, the City has not required SIMS to enter into any such contract with any other material recycler.

- On June 12, 2013, the Mayor introduced the foam ban bill with Councilman Fidler as the main sponsor. A coalition of local New York City restaurants and others held a press conference to announce their opposition to the ban and to promote recycling. Mr. Gonen attended the press conference. Mr. Gonen was approached by a representative of Dart to discuss the recycling proposal being worked on by SIMS and Dart. Mr. Gonen denied any knowledge of Dart's offer and discussions with SIMS, despite the fact that SIMS had told us the day before that Mr. Gonen was demanding SIMS require conditions of Dart in the recycling agreement.

- On June 26, 2013, SIMS advised that they had shared our June 12 proposal with Mr. Gonen. In response, Mr. Gonen directed SIMS to get from Dart a guarantee on purchasing and marketing this material for 20 years. In addition, Mr. Gonen demanded that the City review and approve any language in a SIMS contract with Dart regarding recycling guarantees. Upon hearing this, on June 27, 2013, Ken Fisher, who had been at our meeting with you on behalf of Dart, spoke with your Executive Assistant, Tom Milora, who called back and on your behalf disclaimed any involvement by DSNY in the negotiation and stated that the City was not involved with negotiations with SIMS and would not be.

- On July 6, 2013, Budget and Tax News quotes Reeves Eisen, a spokesperson for Councilman Fidler, who said recycling plants (SIMS) rejected proposals to recycle polystyrene. "They cited difficulty in the process and a very uncertain market," Eisen said. Councilman Fidler was spreading this misinformation among his fellow City Council members. We contacted SIMS management and SIMS agreed to speak with Councilman Fidler's staff and advise them that negotiations with Dart were not dead and still active, as this information had not come from them.

- On July 15, 2013, we learned Mr. Gonen was holding meetings with City Council members and telling them that they have given Dart time to perform a "test." Mr. Gonen claimed that City Hall facilitated the test for Dart to run on the possibility of recycling foam in March and the test "failed." This is a total fabrication. Michael Westerfield showed you the product of the test pellets that can be reformed into new products at our most recent meeting. The reality is that SIMS sorted a mix of foam and rigid polystyrene from its Jersey City facility for Dart and we were able to recycle it. According to staff, Mr. Gonen made further misstatements about recycling of foam and Dart's offer about polystyrene foam recycling.

- On July 17, 2013, Dart sent to SIMS management two proposed contracts with the terms that had been discussed and tentatively agreed to during numerous telephone calls. Dart heard nothing from SIMS for 9 days, despite repeated e-mails and phone calls. On July 26, 2013, SIMS suspended further negotiations and discussions. SIMS management advised us that Mr. Gonen had told SIMS that the City demanded to know if a foam polystyrene program could be established within one (1) month because they (Department of Sanitation) wanted this issue resolved. SIMS told them that they could not get a program in place within that time period. Due to this communication from the City and the impossibility to have a program in place so quickly, SIMS suspended further discussions pending outcome of whether a ban will be enacted. If the ban does not pass, SIMS management has indicated a desire to reopen discussions to try to move forward with a contract.

Dart stands by its commitment to recycling and its proposal, guaranteeing a price and a market for five years and helping SIMS with some of the start-up equipment costs. Not only will the City avoid the costs associated with landfilling its polystyrene foam, but it will also avoid costs associated with landfilling its rigid polystyrene. According to data from the City's 2004 - 2005 Waste Characterization Report, this amounts to 25,958 tons of material. If it is all recycled, the city will save more than two million dollars in landfill costs. Plus, given the $160.00 per ton which Dart is guaranteeing, it could actually generate more than $4 million in revenue. This is a net positive impact to the City of more than $6 million. At this point in time, under the City's "Recycle Everything" program, such materials will be landfilled, even if they are put in recycling bins, because the City does not have a market for them. Further, we have proposed to take not only post-consumer food packaging foam, but also packaging foam. This further cleans up the City's fiber board waste stream making it more valuable. It would be a major win for the City, the administration and for sustainability.

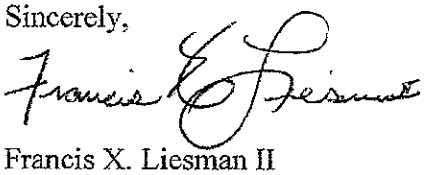
Based on the facts which I have outlined here, we believe that Mr. Gonen has interfered with our contract negotiations with SIMS and is misleading members of the New York City Council. We are open to discussing the proposal with you and are willing to move as quickly as possible. It may take several months to get the program fully working and equipment installed at SIMS, but that does not mean that we cannot announce the program before the administration's term is completed this year. We want the opportunity to help SIMS recycle polystyrene foam and rigid polystyrene, a solution that benefits everyone.

I can assure you that we do not have any hidden agenda. We oppose the ban and unfounded disparagement of our products for the reason that it will hurt our business and the businesses of our customers and your fellow New Yorkers. It will take good American manufacturing jobs in the state of New York and eliminate them. It will take the jobs and unnecessarily increase the costs of fellow citizens in the City who work at bodegas, "Mom and Pop" grocery stores, and food vendors, and the landfills will still be receiving packaging foam which the City cannot ban. It will increase costs for the City's hospitals, correctional facilities and schools. Foam polystyrene is a good product that costs less, performs better, and has many positive environmental attributes over alternative products. It is also good for small businesses, this City's economic engine. We will continue to oppose the ban and will work to build support for

foam recycling among the members of the New York City Council. The alternative we have proposed provides the opportunity to meet the City's stated goals. We would like the Mayor's office and the Department of Sanitation to be our partners in showing the country that recycling means more than paper, cans and bottles. Your department should not stand in the way, especially by actively trying to prevent an agreement with SIMS. You should be leading that effort and we hope you will.

At the September 26, 2013 meeting with you, Ken Fisher asked you to have your Department promptly respond to a FOIL demand sent on August 8, 2013 by the American Chemistry Council ("ACC") requesting e-mails between the New York City Department of Sanitation and SIMS related to the proposed ban bill and related to our contract discussions because the time to reply had long past. We believe that these e-mails will evidence Mr. Gonen's actions and that they should be made public before the City Council takes this matter up. It is my understanding that you stated that you would check on the FOIL request. Since then, I am advised by ACC that they have not received either documentation responsive to the FOIL requests or any other response from your Department. I am sure that you agree that the City Council and the citizens of New York have a right to know if the opportunity to create a new recycling stream, for both foam packaging and foam food service, may be lost if a ban is enacted. I look forward to your prompt response to those FOIL requests.

Sincerely,



Francis X. Liesman II
Government Affairs and Environment
Dart Container Corporation

PLASTIC RECYCLING, INC.

November 25, 2013

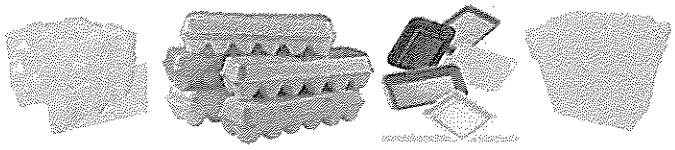
New York City Council
Committee on Sanitation & Solid Waste Management
250 Broadway
New York, NY 10007

RE: Int. No. 1060- Restrictions on the sale or use of expanded polystyrene- OPPOSE
T2013- 7195- Addition of expanded polystyrene in residential recycling program- SUPPORT

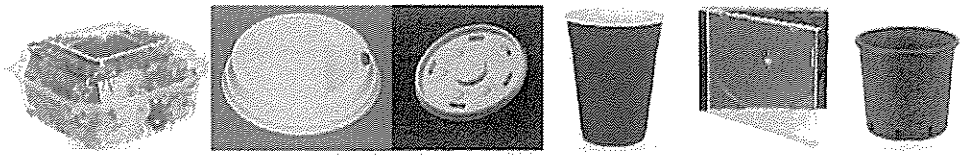
Dear Honorable Committee Members,

Plastic Recycling, Inc. has been in business since 1988 and specializes in recycling the plastic used to make foam cups. In fact, we're on track to recycle about 60 million pounds of plastic polymer this year. Due to the strong demand for this material, we want to purchase the foam cups and containers that travel through New York City's residential waste stream. We need this material to satisfy demand and we feel this is a much better solution for NYC, than a ban, for several reasons -

1. This material is valuable and we propose to pay $160.00 per ton for it.
2. If you don't ban foam cups and take-out containers, we will buy and recycle them along with many other foam products that currently get landfilled. Examples are -



3. Plus, we will also buy all of your rigid plastic materials made with plastic #6. This is a big win for NYC because those plastics are currently being landfilled. Examples of some of those plastic containers are -



4. According to data from the 2004-2005 Waste Characterization report posted on the NYC Department of Sanitation's website, 25,958 tons of rigid and foam polystyrene containers/packaging end up in NYC's residential waste stream each year. If NYC pursues this recycling solution and all of this material is diverted from the landfill, it will save NYC $2,232,388 per year in landfill costs ($86 estimated landfill cost per ton X 25,958). Plus, given the $160.00

2015 S. PENNSYLVANIA ST., INDIANAPOLIS, IN 46225 TEL/ **317.780.6100** FAX/ **317.780.6110**

per ton we are offering, it could actually generate $4,153,280 in revenue. This is a net change of $6,385,668!

5. It is also important to note that Plastic Recycling, Inc. can recycle dirty post-consumer foodservice containers, including: foam clamshells stained with food, foam plates with food residue and grease, foam smoothie cups with smoothie residue, etc.

We hope you will agree that we are offering a solution that will benefit the environment because far more material will get recycled if you pursue our offer instead of a ban. Fewer taxes from NYC residents will be used for landfilling materials. NYC restaurants can still use products that are recyclable, cost less, and perform better than alternatives. And, NYC can generate more than $4 million in revenue instead of spending more than $2 million in landfill fees. For these reasons, we respectfully ask you to oppose Int. No. 1060 and support T2013-7195.

Sincerely,

Alan R. Shaw
President

2015 S. PENNSYLVANIA ST., INDIANAPOLIS, IN 46225 TEL/ **317.780.6100** FAX/ **317.780.6110**

FOR THE RECORD

TO: NYC Council - Sanitation and Solid Waste Management Committee
FROM: Michelle D. Winfield, Bellevue Hospital Center, Community Advisory Board
BHC-CAB Michelle D. Winfield SHELLEYWINF@AOL.COM
DATE: November 25, 2013
RE: Supporting banning of polystyrene in New York City with no exemptions to public hospitals and nursing home facilities

In August 2007, NYC Council Member de Blasio presented a local law to amend the administrative code to restrict the use of polystyrene. Within the document it states, "Polystyrene foam is a pollutant that breaks down to smaller, non-biodegradable pieces that are ingested by marine life ...thus injuring or killing them. Due to the physical properties of polystyrene foam, The United States Environmental Protection Agency (EPA) states, "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy."

On June12, 2013, Int. 1060-2013 was introduced to restrict the sale or use of polystyrene items.

I will focus on the impact of human health.

Years ago, my husband was given a cup of hot tea with lemon. He normally drank tea with milk. However, the school cafeteria provided a polystyrene cup and he proceeded to squeeze the lemon. As the lemon rested against the side of the cup, a hole visibly appeared. That was the first time, my family and I became aware of the hazards of polystyrene products. That was in 1984.

Migration of Styrene occurs when foods containing acids, fat and/or alcohol leech into the foods, more quickly when foods or drinks are hot.
The Health and Hospitals Corporation uses polystyrene products. Inpatients in public hospitals and public nursing homes are some of our most vulnerable populations in our community. When food is served on polystyrene products, the hazardous chemicals cause the following health problems:

- fatigue
- nervousness
- lack of concentration
- difficulty sleeping
- mucous membrane and eye irritation
- depression
- hearing loss

These symptoms are often attributed to seniors.
Styrene is a volatile organic compound (VOC). The damage is cumulative.

In February 2013, the Bellevue Hospital Center Community Advisory Board, BHC-CAB adopted a resolution opposing the use of Styrene. The resolution also supported the

proposed ban of polystyrene by The Mayor of New York City, Hon. Michael Bloomberg because its impact on landfills.

BHC-CAB requests that any legislation provide no exemptions from its requirements be granted to public hospitals, public nursing homes or any other public health facility.

At this time there are reasonable alternatives to polystyrene. Among them is Ecovative, a company founded in New York. Ecovative has been continually growing for the last six years. One of its clients is Dell Computers.

I urge the Committee to add New York City to the list of cities that have banned polystyrene products.

Thank you for your consideration in this matter.

Attached: Articles supporting the dangers/hazards of migration of Styrene products.

BELLEVUE HOSPITAL CENTER
COMMUNITY ADVISORY BOARD
462 First Avenue, Room MW2, New York, NY 10016
Phone: (212) 562-6185
CommunityAdvisoryBoard@bellevue.nychhc.org

At its Full Board Meeting on Wednesday, February 27, 2013, the Bellevue Hospital Center Community Advisory Board adopted the following resolution:

Opposition to Bellevue Hospital Center and HHC facilities to use Styrene disposal products to serve foods/drinks

WHEREAS, the Bellevue Hospital Center is located at 462 First Avenue, New York, NY 10016, in Manhattan and seeks to provide quality health care for all; and

WHEREAS, The Bellevue Hospital Center Community Advisory Board adopted resolutions on October 26, 2011 and September 19, 2012 urging a ban on the use of Styrene Products, also referred to as polystyrene foam, in the hospital facility, and

WHEREAS, such opposition to the use of Styrene products was based primarily on the acute health risks of polystyrene products and the federal government's listing of polystyrene as a cancer risk on June 10, 2011, and

WHEREAS, the Bellevue Hospital Center Community Advisory Board urged the Health and Hospital Corporation not to enter into contracts to purchase polystyrene products, and

WHEREAS, The Mayor of New York City, Hon. Michael Bloomberg supports a ban on the use of polystyrene in New York City from the point of view of polystyrene's non-biodegradability and its impact on landfills; and

WHEREAS, The New York City Council, Committee on Sanitation and Solid Waste Management, had the issue of restricting the use of polystyrene foam food packaging on its agenda since May, 2010 through Intro. 0228-2010,

THEREFORE BE IT RESOLVED that Bellevue Hospital Center Community Advisory Board opposes the use of polystyrene products at all Health and Hospital Corporation hospitals/nursing facilities: and

BE IT FURTHER RESOLVED, in light of both the health risks and environmental impact of polystyrene products, that Bellevue Hospital Center Community Advisory Board calls on New York City Council to ban the use of polystyrene products by passing legislation similar to Intro. 0228-2010 and calls on the Mayor to sign such legislation into law, and

BE IT FURTHER RESOLVED, that any legislation provide that no exemptions from its requirements be granted to public hospitals, public nursing home facilities, or any other public health facility.

BE IT FINALLY RESOLVED, that Bellevue Hospital Center Community Advisory Board calls all elected officials, Community Boards 1-6 Manhattan and Health and Hospital Corporation's Council of Community Advisory Board to prohibit the use of polystyrene products in public hospitals.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,

Bobby Lee

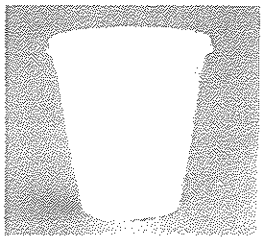
Bobby Lee
Chairperson, Community Advisory Board
Bellevue Hospital Center

Articles to support the dangers/hazards of the migration of styrene products are:

www.ejnet.org/plastics/polstyrene/mclibel_p6.html
"You can taste styrene in a food container, in the food product contained in a Styrofoam food container."
The Coast Guard and U.S. Park Service agreed to eliminate the use of foam products from their ship/restaurants.
www.epa.gov/ttn/atw/hlthef/styrene.html
Hazard Summary-1992; 2000
www.ejnet.org/plastics/polystyrene/health.html
Styrofoam drinking can leach into the liquids they contain. " The cups apparently lose weight during the time they are in use... 'tea with lemon' produced the most marked change in the weight of the foam cup."
"...long term exposure to small quantities of styrene can cause neurotoxic (fatigue, nervousness, sleeping difficulty)..."
"...migration of monomers from low and high density polyethylene into milk, yogurt, alcohol solutions."

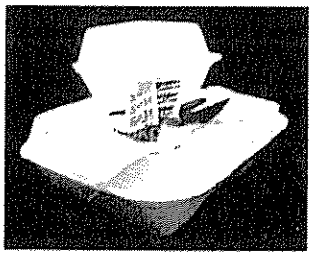
www.grinningplanet.com
"The migration of styrene from a polystyrene cup containing cold or hot beverages has been observed to be as high as 0.025% for a single use...the higher the fat content, the higher the migration into the food." "...styrene tends to migrate more quickly when foods or drinks are hot."

think again. A US EPA study of fat biopsies from human subjects found styrene residues in 100% of the samples tested.



The migration of styrene from a polystyrene cup containing cold or hot beverages has been observed to be as high as 0.025% for a single use. That may seem like a rather low number, until you work it this way: If you drink water, tea, or coffee from polystyrene cups four times a day for three years, you may have consumed about one Styrofoam cup-worth of styrene along with your beverages. Mmm.... chemically...

Styrene migration has been shown to be partially dependent on the fat content of the food in the polystyrene container—the higher the fat content, the higher the migration into the food. Entrees, soups, or beverages that are higher in fat (like a bowl of three-cheese chili or a cup of Triple-Cream Frappa-Mocha Java Delight) will suck more of the styrene out of the polystyrene container. Some compounds found in beverages, like alcohol or the acids in "tea with lemon," can also raise the styrene migration rate. When it comes to more solid food, the meat or cheese you buy from the market on a clear-plastic-wrapped polystyrene tray is readily picking up styrene from the foam container. Studies have also found that styrene tends to migrate more quickly when foods or drinks are hot.



Once styrene gets into your food or drink—and then into you—what does it do? Studies suggest that styrene mimics estrogen in the body and can therefore disrupt normal hormone functions, possibly contributing to thyroid problems, menstrual irregularities, and other hormone-related problems, as well as breast cancer and prostate cancer.

The estrogenicity of styrene is thought to be comparable to that of Bisphenol A, another potent estrogen mimic from the world of plastics. Long-term exposure to small quantities of styrene is also suspected of causing:

- low platelet counts or hemoglobin values;
- chromosomal and lymphatic abnormalities;
- neurotoxic effects due to accumulation of styrene in the tissues of the brain, spinal cord, and peripheral nerves, resulting in fatigue, nervousness, difficulty sleeping, and other acute or chronic health problems associated with the nervous system.

Because many of these effects can be more pronounced on developing bodies, extra caution is advisable for women who are pregnant (or considering becoming so) and for prepubescent children.

CITIES THAT HAVE BANNED Styrofoam-Food Packaging

Cities and towns that have banned polystyrene:

Berkeley, CA
San Fransisco, CA
Malibu, CA
Alameda, CA
Emeryville, CA
Fairfax, CA
Hercules, CA
Laguna Beach, CA
Los Angeles City, CA
Millbrae, CA
Monterey, CA
Newport Beach, CA
Huntington Beach, CA
Oakland, CA
Santa Cruz, CA
Pittsburg, CA
Palo Alto, CA
Pacific Grove, CA
San Bruno, CA
Santa Monica, CA
Orange County CA. (containing approx. 34 cities and towns)
http://en.wikipedia.org/wiki/Orange_County,_California

Seattle, WA

Portland, Oregon

San Mateo County CA. **(containing approx. 20 cities and towns)**
http://www.recycleworks.org/cityinfo.html

Santa Cruz County CA. **(containing approx. 53 cities and towns)**
http://california.hometownlocator.com/ca/santa-cruz/

Ventura County CA. **(containing approx. 73 cities and towns)**
http://california.hometownlocator.com/ca/ventura/

Glen Cove, N.Y.
Suffolk County N.Y. (containing approx. 263 cities and towns)
http://newyork.hometownlocator.com/ny/suffolk/

Online Sources:
www.cawrecycles.org/issues/plastic_campaign/polystyrene/local
www.time.com/time/printout/0,8816,970470,00.html
www.faralIones.org/e_newsletter/2006-07/AaronPeskin.htm
Wikipedia search for Polystyrene
www.genexe.com/environment/paper-vs-styrofoam-vs-plastic-cups/

(HTTP://WWW.FASTCOMPANY.COM/)

How Two College Pals Are Growing A Solution To Our Reliance On Plastic

Mushroom Surfboards
- Dell Computers
- Wine companies

Six years ago, Eben Bayer and Gavin McIntyre were college friends with a bright idea: using mushrooms and agricultural byproducts to create an alternative to plastic. Now, they're growing a business that could change almost everything about how we live.

Maybe the most devastating aspect of styrofoam packaging is that it's useful for a matter of days or hours--say, while a product ships--but it lasts for a millennium. Plastics like styrofoam currently take up between 25% and 30% of our landfill space

EDITOR'S NOTE

This piece is part of Change Generation, our series on inspiring young entrepreneurs. Read more stories here (http://www.fastcoexist.com/section/change-generation).

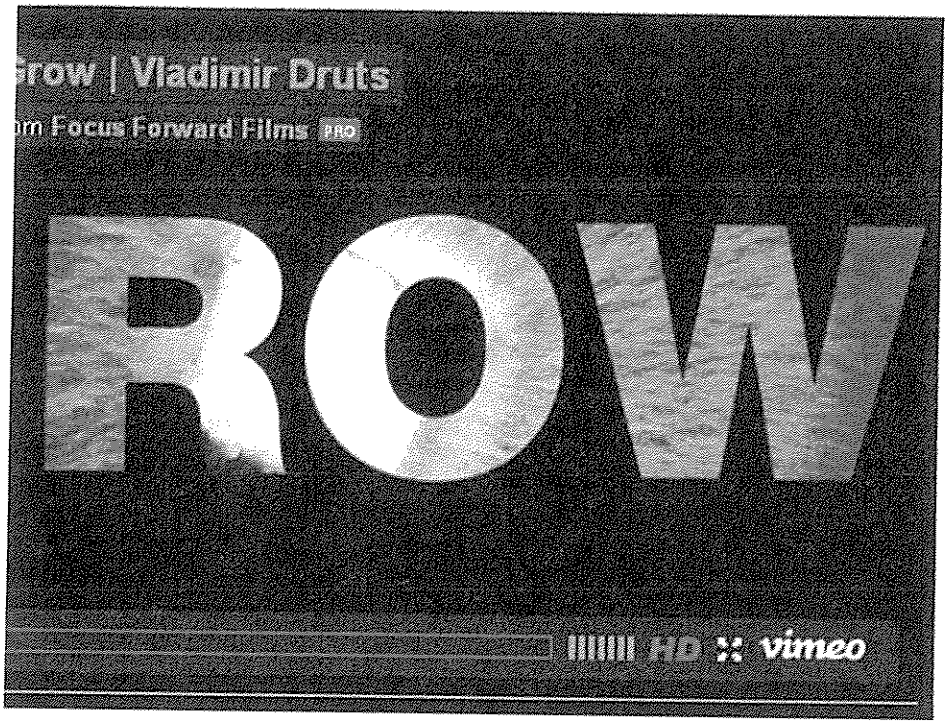
(http://www.earthresource.org/campaigns/capp/capp-styrofoam.html), and a single cubic foot of styrofoam has the same energy content as about one and a half liters of gasoline. That's a lot of impact for just a little bit of value.

And that's precisely why college pals Eben Bayer and Gavin McIntyre established Ecovative (http://www.ecovativedesign.com/), which grows cost-effective alternatives to plastic insulation and packaging. While they were students at Rensselaer Polytechnic Institute, Bayer and McIntyre experimented with mycelium, the network of vegetative filaments in mushrooms, and realized that it could be used to form incredibly strong bonds. Essentially, the substance functions like a glue that you can grow and use to form agricultural byproducts like plant stalks and seed husks into natural alternatives to styrofoam packaging and insulation.

"It turns out that mycelium is actually a living polymer," says Bayer, who graduated in 2007 and co-founded Ecovative that same year. "I

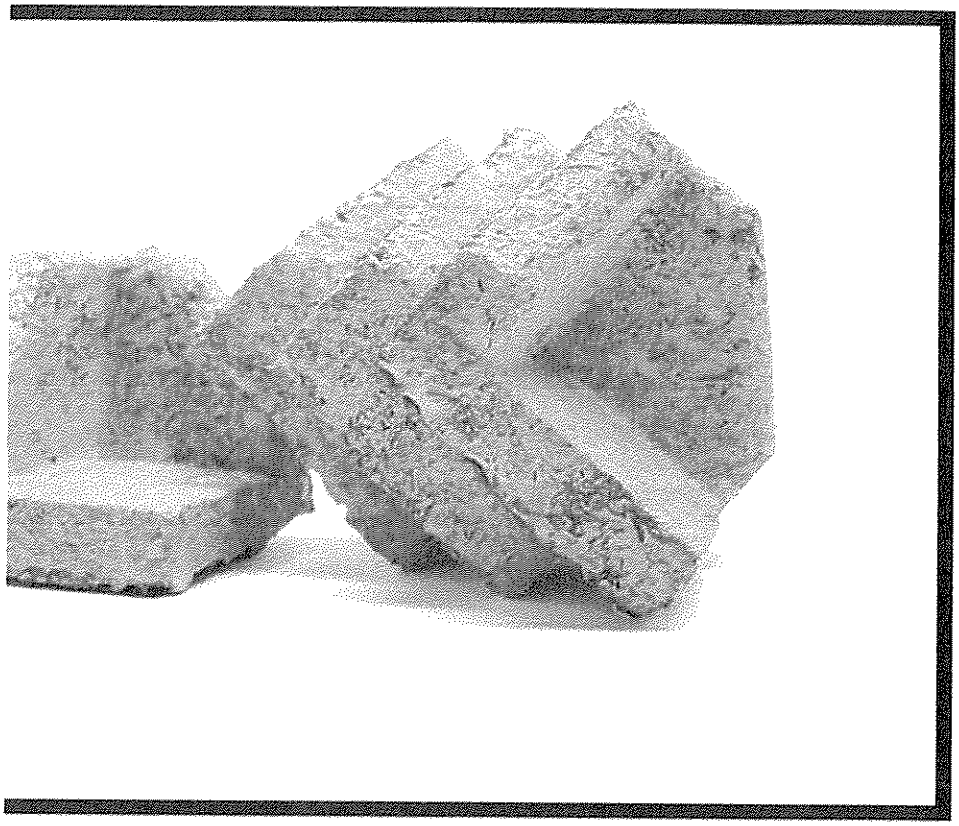
like to think of it as low-tech biotech."

After graduation, he and McIntyre continued working with mycelium and soon earned grants from the American Society of Mechanical Engineers and the National Collegiate Inventors and Innovators Alliance. Larger awards followed from the New York State Energy Research and Development Authority and the EPA; these allowed them to hone their concept and bring it closer to market. Bayer even performed a TED talk in 2010 (http://www.ted.com/talks/eben_bayer_are_mushrooms_the_new_plastic.html).



They've replaced toxic products--styrofoam and insulation--with superior proxies that are biocompatible with the planet (meaning they're compostable). And perhaps the most compelling fact about Ecovative is that--like the product itself--the company continues to grow. What began as a bright idea between two college students is now the driving force for a company of more than 50 people. They've got a fully operational New York office and hope to open a 40,000-foot facility in the Midwest this summer. They're even working on growing a house entirely out of the fungal materials (http://mushroomtinyhouse.com/). Ultimately, they've unearthed a natural solution to a consumer problem.

"All of our clients came to us because they have a problem," said Bayer of styrofoam-based products. "They had to get out of plastic, either because their CEO said they're not going to do any more plastic or because their customers called up and asked them to stop



sending plastic waste with their products."

Ecovative products use what Bayer calls a "whole-organism approach," meaning that everything they grow goes into the final product. "There's no extraction in the approach. The feedstock and the organism become the final product. This means our yield rates in comparison to every other company are phenomenal. It's a tremendous challenge to replace a plastic like styrofoam--which is really cheap--at the same price and performance. It's really hard; that's why no one's done it. But we're thrilled to be able to get there. "

james)/www.fastcompany.com/user/patrick-

PATRICK JAMES (HTTP://WWW.FASTCOMPANY.COM/USER/PATRICK-JAMES)

COMMODORE 26 Maple Avenue Bloomfield, NY 14469 p 585.657.7777 f 585.657.6400

November 22, 2013

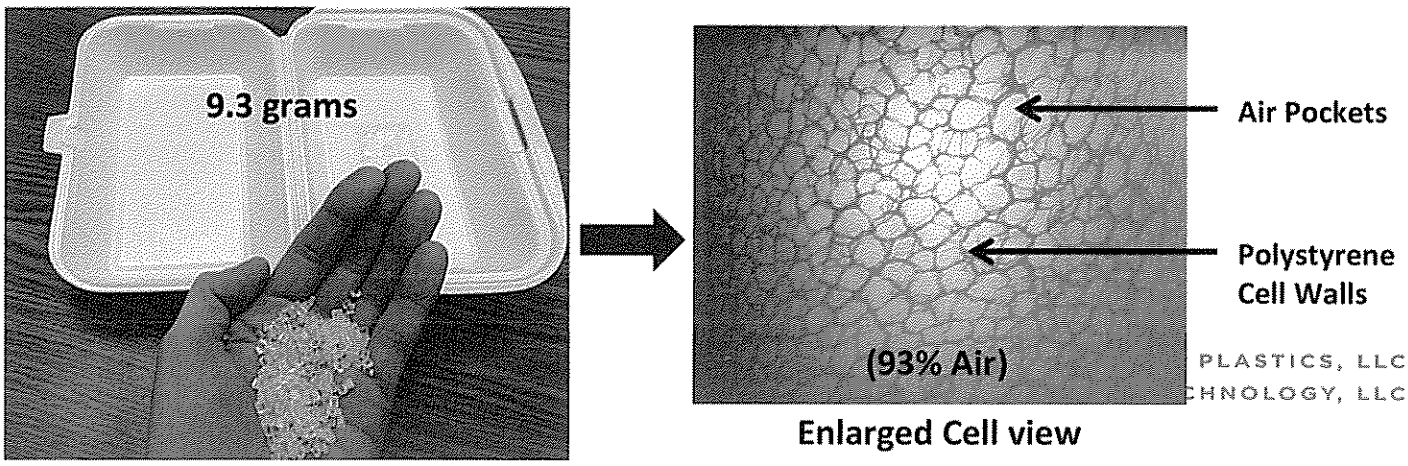
The Honorable Letitia James
Chair, NYC Committee on Sanitation and Solid Waste Management
250 Broadway, Suite 1792
New York, NY 10007

Chairwoman James and the Members of the Committee,

I am writing to you concerning the proposed ban on polystyrene (ps) foam food containers. I understand that government has an obligation to do things to protect the population and I thank you for serving. However, I struggle to understand what is bad about ps foam. Why are people against it? Every claim that is made is mis-information, exaggerated, or simply not true. I think people don't like any single use item (why just ban 1 type?). Maybe they don't like having to toss out a bulky container. Yes, foam is bulky, but that is because it is full of air. This makes is lighter, stronger, and extends natural resources. As I listen, read, and learn more about the reasons behind ps product bans, I believe that the supporters of these bans are misinformed. They just have it in their heads that this is bad and want to do something. The alternatives are worse. It is my opinion that ps foam is actually friendlier to the environment than any other material being used today.

The story of the American dream - My father started our business in 1980 with the savings that he accumulated working as an engineer at Mobil Chemical in Canandaigua, NY. We have grown our family business slowly over the last 33 years to employ about 175 people in Bloomfield, NY. I have worked for my father since high school and, unfortunately, find myself in a state of disbelief and I must express my feeling about this topic before it is too late.

Use Less – It takes a very small amount of raw materials to deliver a safe means of packaging. The picture below shows how many plastic pellets it takes to make the foam container in the picture. Polystyrene foam hinged containers are made from the same material as clear polystyrene (typically used for bakery products) except the plastic is foamed by dissolving a gas in the plastic. It is like dissolving sugar into coffee. When the plastic comes out of solution at the die head, cells are formed. The net effect is that less plastic is used to deliver the product to the customer. I cannot help but think this more environmentally friendly than not foaming.



COMMODORE 26 Maple Avenue Bloomfield, NY 14469 p 585.657.7777 f 585.657.6400

All litter is bad - What does litter have to do with PS foam? I do not see where banning foam will change the amount of litter. Why is foam litter bad and compostable product litter okay? From what I have read and studied, compostable products do not biodegrade as litter. They must be disposed of in a commercial composting facility where the temperature is elevated and mechanical agitation is required. The ban will not stop a litter problem.

PS foam is recyclable - I hear people say that PS foam can't be recycled. This is not true. It can be recycled and it is recycled. More foam cups are recycled than paper cups. Reduce, reuse, and recycle in that order. PS foam is a super star when it comes to reduce and it can be reused, recycled or converted to electricity.

PS foam is safe - Eating off of PS foam is not bad for your health. PS has been approved by FDA for food contact and has been used for 50 years. The plastic pellets that are used to make foam products are regulated by the FDA and they ensure the polystyrene products are safe for food contact.

PS foam is not filling up the landfills - Based on data provided on the EPA's Municipal Solid Waste (MSW) in the United States: Facts and Figures, PS foam makes up less than 1% of a landfill. Also, foam won't pollute the ground water in the surrounding area of a landfill (you can eat off of foam).

Made in NYS - Made in USA - PS foam food containers used in the United States are made in the United States. This ban will close American factories and in many cases the replacement products will be imported from China. I like my food made in USA and my food container made here too.

Don't crush our dream - I ask that you please not indiscriminately ban foam food containers because you have heard they are bad. There is more to the story and it affects my family, and my community. Commodore is the largest tax payer in the Village of Bloomfield. We employ a lot of people and provide good jobs with health care benefits to a lot of families. My father's story with Commodore is a story of the American Dream. Please don't be the one to crush our dream.

See for yourself - I invite you to come and visit our facility. We are located in Bloomfield NY which is located between Rochester and Canandaigua. We have had visits from Congressman Collins, Congressman Reed, Assembly Minority Leader Kolb, NYS Senator Nozzolio as well as Ontario County, Town of Bloomfield, and Village of Bloomfield officials.

Sincerely,

George Braddon III

George Braddon III

Fiscal & Economic Impacts of a Ban on Plastic Foam Foodservice and Drink Containers in New York City

- The study evaluates the potential direct impacts from banning polystyrene foam items such as clamshells, cups, plates, and bowls. Estimated NYC annual sales are now $97.1 million.

- A ban would cost NYC businesses, consumers, and agencies at least $91.3 million a year. These direct costs come from requiring substitutes of other generally more costly alternatives such as other plastics, fiber (coated paperboard), and compostable products.

Costs of a Plastic Foam Foodservice & Drink Containers Ban in NYC, 2012 ($ millions)

	Full-Service Restaurants	Limited-Service Restaurants	Grocery Stores/ Wholesalers	Convenience Stores	Consumers/ Institutional/ NYC Agencies	Total
Bronx	$0.4	$3.0	$0.4	$0.2	$3.6	$7.6
Brooklyn	1.5	4.8	0.8	0.4	6.5	14.0
Manhattan	17.0	21.0	0.5	0.4	4.1	43.1
Queens	1.4	7.4	0.7	0.6	5.8	15.8
Staten Island	0.3	0.9	0.1	0.2	1.2	2.7
School Trays					8.1	8.1
NYC Total	$20.6	$37.1	$2.5	$1.8	$29.3	$91.3

- For every $1.00 now spent on plastic foam products, NYC consumers and businesses will have to spend at least an average of $1.94 on replacements, effectively doubling the cost and imposing an "environmental tax" far higher than any comparable levies.

- The $91.3 million is a minimum estimate assuming consumers and businesses use the lowest cost alternative. The costs are likely to be much higher due to practices such as double cupping and plating, and businesses choosing even higher cost substitutes due to requirements such as rigidity, insulation, sanitary, and reliability characteristics now provided by plastic foam products.

- Total fiscal impacts to NYC agencies are estimated to range from $14.5 million to $18.6 million annually, including $11.2 million in added procurement costs for plastic foam substitutes plus potential decreased business income tax revenues of $3.3 to $7.4 million a year.

- Manufacturing of these products is generally done near the final market, and a ban will affect manufacturing jobs now paying an average wage of $44,951. Using multipliers from previous studies, a rough estimate of the direct and indirect impacts from the ban is a loss of around 2,000 jobs and $400 million in economic output in the New York City region.

- NYC consumers and businesses would be required to pay these costs at the same time a number of other factors are affecting spending and employment: continued recovery from Hurricane Sandy, increased payroll taxes (2% Social Security; 0.9% Medicare), higher federal income tax rate, rising food prices, uncertainty over the economic recovery, and uncertain costs of the federal Affordable Care Act. The main affected businesses--restaurants, independent grocery stores, and convenience store--average profit margins of only about 1% of total sales.

Mark Spencer

Business Manager, Sustainability

Pactiv, LLC

1900 West Field Court

Lake Forest, IL 60045

RE: Oral Testimony on NYC Foam Ban 11/25/13

I have worked for this company for over 30 years, most recently in new product development where my responsibilities include developing new sustainable packaging materials for the foodservice market. Pactiv is one of the largest foodservice packaging companies in the United States and we manufacture all different types of packaging not just polystyrene foam. You will hear today that foam is a safe, recyclable and very 'green" material.

I have included more detailed information in my packets on the City of Highland Park, IL where we have been successfully recycling foam for over 2 years.

Pactiv has over 54 manufacturing plants throughout the world, but our largest plant is right here in New York State, located in Canandaigua, NY, (right between Syracuse and Rochester) in Ontario County. Our plant has:

-Over 800 Full-time skilled and part time employees

-We are Ontario County's 2nd largest employer

-We pay over $44 million in payroll and benefits dollars every year

-We spend over $6.5 million per year on electrical power annually

-We are over 220 acres in size have been in business since 1965

-We are a responsible corporate citizen...we share New York's desire to protect the environment. Our track record shows this.

This plant, right in your backyard, makes foam foodservice packaging and this type of ban on specific materials is devastating to its employees, local suppliers, and the New York State economy. What you may not know, the unintended consequences of a foam ban takes jobs out of New York and moves them to Asia. The majority of "green" materials that you are forcing restaurants to switch to come from overseas, at 2 to 3 times the price. The next logical choice for packaging once you ban foam is Molded Fiber which is the next lowest cost material and comes from bamboo, bagasse or sugar cane which is imported from China or Malaysia.

I urge you to vote no on this ban and support New York jobs and its economy....thank you for your time today and please consider recycling these materials rather than a ban.

FOAM RECYCLING IS HERE!

City of Highland Park

(Firearms Training Center)

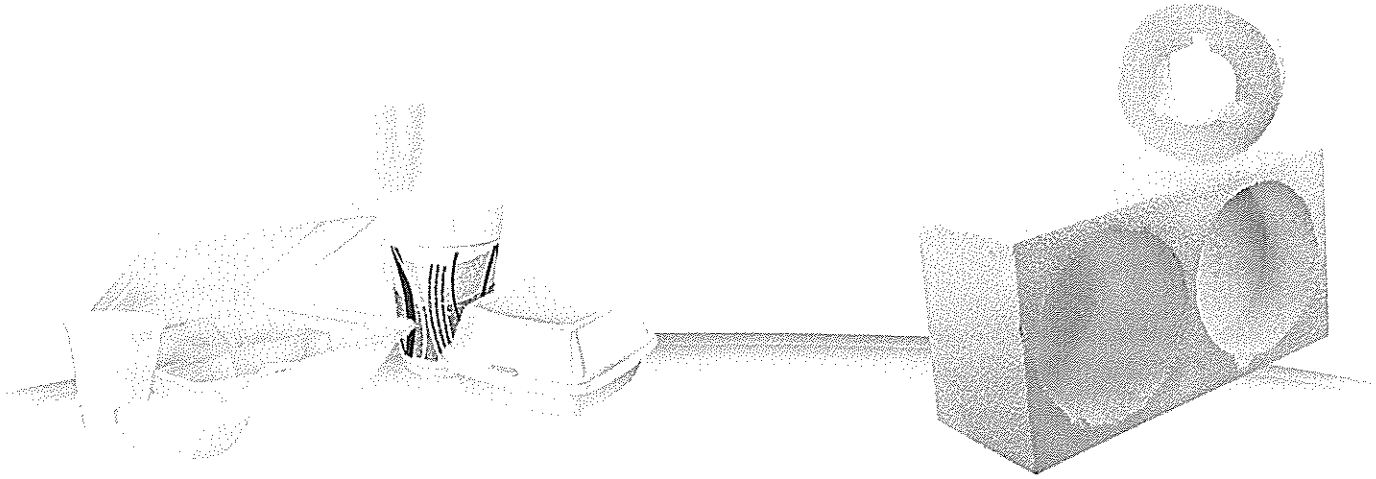
1180 Half Day Road • Highland Park

Open to the Public **Tuesdays and Fridays, 7:00 a.m. to 1:00 p.m.**

Please follow these guidelines to use the facility:

- Make sure your foam has the 6 symbol.
- When possible, please place foam in clear plastic bags. Clear bags are available at the drop-off site.
- Foodservice containers MUST be clean and rinsed.
- No straws, lids, plastic wrap or trash.
- No packaging peanuts (**call 800-828-2214 or go to www.loosefillpackaging.com for drop-off sites**).
- No foam building insulation.

Questions? Go to www.cityhpil.com or call 847-432-0807



Food Service Foam Products **Packaging Foam Products**

Sponsored by:

DART

DART CONTAINER CORPORATION

PACTIV

SWALCO

SOLID WASTE AGENCY OF LAKE COUNTY

Testimony on Polystyrene in New York City
Bills: Int. 1060-A, Int. 380, Int. 369
November 25, 2013
Maggie Clarke, Ph.D.

The idea of requiring manufacturing changes to reduce pollution is not new. The Pollution Prevention Act of 1990 was one of the first. [1] More recently, laws have been enacted at all levels of government with the purpose of making manufacturers more responsible to take back hard-to-reuse or -recycle products (Extended Producer Responsibility). One hoped for outcome of EPR laws is to motivate manufacturers to design products with the environment in mind, but such redesign is not ensured. In other cases, where a product is causing harm to the environment, a ban is the most reliable option. Bee-harming pesticides have been banned in Europe. [2] Coal tar pavement products have been banned in the District of Columbia due to their health effects and toxicity to the environment. [3] Sweden has banned mercury-containing products from being sold, since mercury is toxic to many species. [4] Polystyrene is also bad for the environment in many ways, and that is why over 100 cities have banned it. Suffolk County in Long Island was the first US jurisdiction to institute a ban on polystyrene food packaging in 1988. [5] Following are some descriptions of some environmental impacts of polystyrene manufacture and disposal, a brief evaluation of recyclability and alternatives, and my recommendations.

Styrene toxicity and other environmental impacts

Landfills. Length of time to degrade in the environment, the commonly cited figure 500 years in landfills, is based on respirometry tests - no CO_2 is produced as is the case with decomposition of organics or rusting as is the case with metals. (Garbage Project, University of Arizona). [6] A 1986 EPA report on solid waste named the polystyrene manufacturing process as the 5th largest creator of hazardous waste.

In the ocean, polystyrene and other plastics are concentrated in areas heavily littered with plastic debris, such as the five ocean gyres, which occur where currents meet. In areas where the water temperature is lower, polystyrene is ingested by marine animals.

But in addition to the trash gyres largely of plastic fragments, a recent study indicates polystyrene breaks down above 86 degrees, which is regularly attained in tropical and subtropical waters. [7] Produced by experiment, styrene trimer was left in the water; it is a polystyrene by-product, a suspected carcinogen, and has in some studies indicated thyroid hormonal disruptions and is a nervous system toxicant.[8]

Groundwater: Styrene acrylonitrile (SAN) trimer, a by-product in the production of acrylonitrile styrene plastics, was identified as one of the groundwater contaminants at Reich Farm Superfund site in the Toms River section of Dover Township, New Jersey, resulting in a childhood cancer cluster there.[9,10]

Studies published by the Foundation for Advancements in Science and Education determined that polystyrene drinking cups leach materials into the liquids they contain. [11]

The CDC states our bodies contain styrene. "Styrene is well absorbed by the inhalation and oral routes and poorly absorbed through the skin. Once absorbed, styrene is widely distributed throughout the body, with the highest levels detected in fat."[12]

In Air: The National Bureau of Standards Center for Fire Research identified 57 chemical byproducts released during the combustion of polystyrene foam, some of which are carcinogenic (e.g. benzene, toluene) . At higher temperatures combustion produces CO_2, a greenhouse gas, and carbon monoxide, a pollutant that affects human

health in many ways (headache, dizziness, death) by starving the blood for oxygen. [13] Therefore manufacture and incineration of polystyrene can produce adverse impacts on human health.

Recyclability

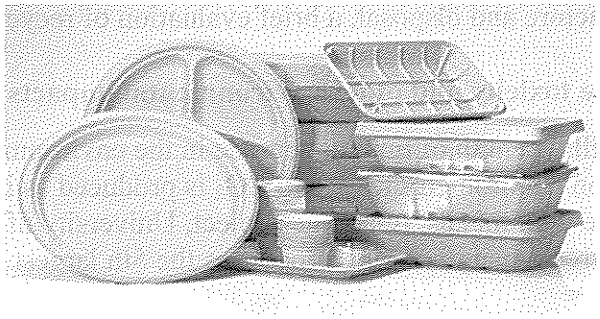
There is no argument that technology exists for recycling polystyrene. However, foam polystyrene is 90% air, making shipping to recycling markets difficult and costly.[14] Trucking of polystyrene to disposal or market adds proportionately to air pollution and greenhouse gas emissions compared with other denser materials.

"Lackluster demand and ample supply continue to push recycled polystyrene prices lower in 'November 2013'" according to Resource Recycling magazine, so the market for it is not good. [15]

The cost of recycling polystyrene foam is the very expensive, citing a 2006 California Department of Conservation report that said processing the foam costs $3,320 per ton, compared with $89.72 per ton for glass.

Alternatives

And there are alternatives to polystyrene take-out containers: those made of plant fibers. These are compostable and therefore, environmentally friendly. [16]



A Seattle study, done prior to their banning polystyrene indicated the necessity of coupling such a ban with recycling alternatives such as rigid plastics. New York City now does this. [17]

Since prevention of pollution is always superior to recycling, I therefore urge a vote against both Int. 380 and the preconsidered bill, as we need to pursue pilots to recycle and compost organics and materials much more cost-effective than polystyrene. I recommend a vote in favor of 1060-A to ban polystyrene, and in favor of Int. 369 to require that food service containers be made of materials currently-designated as recyclable by NYC.

Maggie Clarke, Ph.D, 1795 Riverside Drive, #5F, New York, NY 10034; 212-567-8272; mclarke@hunter.cuny.edu. www.MaggieClarkeEnvironmental.com

Endnotes:

[1] http://www.epa.gov/p2/pubs/p2policy/act1990.htm
[2] http://www.theguardian.com/environment/2013/apr/29/bee-harming-pesticides-banned-europe
[3] http://green.dc.gov/coaltarban
[4] http://ehstoday.com/environment/hazardous-waste/Sweden_bans_mercury_9872
[5] http://www.ecology.com/2013/08/23/polystyrene-bans-sweep-cities/
[6] http://www.sciencelearn.org.nz/Contexts/Enviro-imprints/Looking-Closer/Measuring-biodegradability
[7] http://news.nationalgeographic.com/news/2009/08/090820-plastic-decomposes-oceans-seas.html
[8] http://www.sciencedirect.com/science/article/pii/S0300483X13002436
[9] http://www.sciencedirect.com/science/article/pii/S0300483X13002436
[10] http://en.wikipedia.org/wiki/Styrene-acrylonitrile_resin
[11] http://www.tandfonline.com/doi/abs/10.1080/02652039109374026#.UpLGA_mKLTp
[12] http://www.atsdr.cdc.gov/toxguides/toxguide-53.pdf
[13] http://fire.nist.gov/bfrlpubs/fire87/PDF/f87014.pdf See Table 1.
[14] http://www.waste-management-world.com/articles/2013/10/polystyrene-recycling-pilot-project-in-montreal-canada.html
[15] http://resource-recycling.com/aggregator/sources/15
[16] http://www.begreenpackaging.com/products-manufacturing/biodegradable-food-packaging.php
[17] http://gothamist.com/2013/04/03/bloombergs_styrofoam_ban_hinges_on.php

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-A Res. No. _____

☑ in favor ☐ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: Caswell Holloway

Address: _____

I represent: Deputy Mayor for Operations

Address: City Hall, New York, NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-A Res. No. _____

☑ in favor ☐ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: Ron Gonen

Address: _____

I represent: Department of Sanitation

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Michelle D. WINFIELD

Address: 320 E 55 ST #8D NY NY 10022

I represent: Bellevue Hospital Center Community Advisory Board, BHC-CAB

Address: 462 First Avenue NY NY 10016

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-2013 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Jennifer Prescott

Address: 41 W. 83 St., NYC 10024

I represent: District 3 Greenschools Group

Address: 154 W. 93 St., Ste122, NYC 10025

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☑ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Michael Brotchner

Address: 48 Douglass St., Brooklyn NY 11231

I represent: Sustainable South Bronx

Address: 1231 Lafayette Ave., 4th Fl.

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13.

(PLEASE PRINT)

Name: ROD KUCERA

Address: _____

I represent: PACTIV and I would like to speak with

Address: Mark Spencer

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 11-05-13

(PLEASE PRINT)

Name: James Kuczma

Address: _____

I represent: Pactiv Corp. / Talk with Mark Sexton from Pactiv

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-A Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Felipe Ventegeat

Address: _____

I represent: Civitas Citizens, Inc.

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Brendan Sexton

Address: 134 Sullivan St

I represent: Manhattan SWAB

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: ROBIN BARTON

Address: 16 W 16 STR NYC

I represent: MYSELF

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-A Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/2013

(PLEASE PRINT)

Name: JESSICA CORR

Address: 2465 Palisade Ave #2C Bronx 10463

I represent: Parsons The New School for Design

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 369 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: BRIAN Fleury

Address: 35 FARRIES AVE. Florida, NY 10921

I represent: WeCare Organics

Address: 9293 Bonta Bridge Rd, Jordan, NY 13080

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1160 Res. No. _____

☑ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Andrew Moesel

Address: _____

I represent: New York State Restaurant Assn.

Address: 1001 Ave. of the Americas

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-A Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: THOMAS OUTERBRIDGE

Address: 80th ST. PIER BROOKLYN 11232

I represent: SIMS MUNICIPAL RECYCLING

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: MARK SPENCER

Address: 1900 WEST FIELD CT.

I represent: PACTIV

Address: 1900 WEST FIELD CT.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Ya-Ting Liu

Address: _____

I represent: New York League of Conservation Voters

Address: 30 Broad St. 30th Floor NYC

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25

(PLEASE PRINT)

Name: Brian Kolb, NY ASSEMBLY MINORITY LEADER

Address: _____

I represent: Self

Address: 250 Broadway Ste 2043

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060-A Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ERIC GOLDSTEIN

Address: _____

I represent: NATURAL RESOURCES DEFENSE COUNCIL

Address: 40 WEST 20 ST NY NY 10011

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THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jesse Glickenhaus

Address: 70 Little West St Apt 27D New York, NY 10004

I represent: NYU Environmental Law Clinic

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Helen Greenberg

Address: 506 E 13th

I represent: ~~Earthjustice~~ Children,

Address: ~~50~~ P.O. Box 1264, NYC NY 10009

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☑ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: SALEEEN SHAH

Address: 753 St. Nicholas Ave. NY NY

I represent: Citizens Committee for New York City

Address: 77 Water Street NY NY

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☒ in favor ☐ in opposition

Date: 25 Nov 2013

(PLEASE PRINT)

Name: CHRISTOPHER CHIN

Address: 506

I represent: The Center for Oceanic Awareness

Address: Research and Education

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1160 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jennie Romer

Address: [redacted] agnes ave #2R Brooklyn

I represent: Clean Seas Coalition

Address: PO Box 1484 NY, NY 10159

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Paul Poe

Address: 2758 Woodley Pl NW, W DC

I represent: Dart Container

Address: 500 Hogsback Rd, Mason MI

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060A Res. No. _____

☒ in favor ☐ in opposition

Date: 10/25/13

(PLEASE PRINT)

Name: DERBY LEE COHEN

Address: 310 E. 12th St. #5F

I represent: CAFETERIA CULTURE

Address: c/o Fund For the City of NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060A Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Maria Molloy

Address: 310 E 12th St #5F, 10003

I represent: students at Hunter College High School

Address: E 94th St, 10125

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: CECIL CORBIN-MARK

Address: 1854 AMSTERDAM AVE

I represent: WE ACT FOR ENVIRONMENTAL JUSTICE

Address: 1854 AMSTERDAM AVE

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: PAUL Petrone

Address: 9355 Blue Grass RD Phila Pa 19114

I represent: Penn Jersey

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: JASON Merritt

Address: 117 Troutman St. #1R BK NY

I represent:

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date:

(PLEASE PRINT)

Name: MATT MCKENNEY

Address: 114 LaBRINGS CHERRY HILL NJ

I represent: PENN JERSEY PAPER - VEGWARE

Address: BLUE GRASS RD PHILA. PA

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Samantha MacBride

Address: 225 E 26th St. 3F NYC, NY

I represent: Baruch College

Address: One Bernard Baruch Way

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Kahoe

Address: 5692 Eader Rd, Elk Grove CA 95624

I represent: MB Public Affairs

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: George Cruzan

Address: 1153 Roadstown Rd, Bridgeton, NJ

I represent: SFRC

Address: 910 17th St Washington, DC

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: Beton Steiner

Address: 1298 Cronson Blvd. Crofton, MD 21114

I represent: EPS Industry Alliance

Address: same

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: Nov 25 2013

(PLEASE PRINT)

Name: Darren Soares

Address: 152 Washington Ave Albany

I represent: Business Council of New York State

Address: 152 Washington Ave Albany

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/25/11

(PLEASE PRINT)

Name: Andrea Bonaiuto

Address: 67 West St. Brooklyn NY 11222

I represent: Susty Party

Address: 67 West St BK 11222

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Norman Brown

Address: 652 4th Ave Brooklyn

I represent: New York State Council of Machinists

Address: 652 4th Ave. Brooklyn NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: GARY FREDERICK

Address: 1600 Livingston Ave. North Brunswick, NJ.

I represent: AFlex/Princeton Moulding Corp.

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Mitch Goodstein

Address: 16 2nd STREET New Providence

I represent: ~~DART Container~~ FOAM PACK IND

Address: 72 FADEM ROAD Springfield NJ

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: Michael Westerfield

Address: Redlands, CA

I represent: Dart Container Corporation

Address: 500 Hogsback Rd Mason MI 48854

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: ALAN SHAW

Address: 2015 S Pennsylvania St Indpls IN 46225

I represent: Plastic Recycling Inc

Address: 2015 S Pennsylvania St Indpls IN 46225

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/13

(PLEASE PRINT)

Name: MOISHE GROSSMAN

Address: 1500 TROY AVE. BROOKLYN NY 11203

I represent: DART CONTAINER CORP.

Address: MASON MICHIGAN

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: 11/25/2013

(PLEASE PRINT)

Name: MARCO A. CARRION

Address: 275 7th Ave

I represent: NYC Central Labor Council

Address: 275 7th Ave 10001

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Amanda Evengard

Address: 10 7th Avenue Brooklyn NY

I represent: Parsons

Address: 2 W 13th Street

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☑ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: Richard Master

Address: 250 E. Macada Rd Bethlehem Pa

I represent: Mes Industries Inc.

Address: 2580 Newlin Mill Rd Easton Pa. 18045

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 10-60 Res. No. _____

☐ in favor ☒ in opposition

Date: 11-25-13

(PLEASE PRINT)

Name: Edward W. Rider Jr.

Address: 803 South Plank Rd. Slatchill, NY, 10973

I represent: Gen pak LLC

Address: 26 Republic Plaza Middletown N.Y.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 10-60 Res. No. _____

☐ in favor ☒ in opposition

Date: 11.25-13

(PLEASE PRINT)

Name: James E

Address: 198 west main st Port Jervis

I represent: Gen PAK

Address: 26 Repulic Plaza

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition 380
1066A
369

Date: _____

(PLEASE PRINT)

Name: Maggie Clarke PhD

Address: 1795 Riverside Dr 5F

I represent: NYC Waste Prevention Coalition

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. ____

☐ in favor ☑ in opposition

Date: ____

(PLEASE PRINT)

Name: Reina Gonzalez

Address: 149-23 - Jamaica Ave Queens

I represent: La nueva Playita inc

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. ____

☐ in favor ☑ in opposition

Date: ____

(PLEASE PRINT)

Name: Astrid Portillo

Address: 37-10 apt 4C, Jackson Heights, NY 11372

I represent: Mi pequeño El Salvador Restaurant

Address: 94-16 37th Ave, Jackson Heights, NY 11372

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ____ Res. No. ____

☐ in favor ☐ in opposition

Date: ____

(PLEASE PRINT)

Name: Nancy Easton

Address: 460 West End Ave.

I represent: Wellness in the Schools

Address: same

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Pablo Martinez

Address: 156 ST 3rd Ave

I represent: Restaurants

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Marcelo Moreno

Address: 156 - - -

I represent: Restaurants

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Julio Jimenez

Address: [illegible]

I represent: R.S. Taurants

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1060 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: James Moncion

Address: 1470 Sutter Ave., Brooklyn, N.Y. 11208

I represent: Nelson Paella Restaurant Corp.

Address: 200 KNICKERBOKER AVE. BROOKLYN

Please complete this card and return to the Sergeant-at-Arms