

Green Packaging Working Group  
May 6, 2013

In attendance: Troy Moon, Portland Public Services; Jennifer Thompson, Corporation Counsel's Office; Michele Brooks, Portland citizen; Alexandra Fields, Environment Maine; Ron Adams, Portland Public Schools; Ed Suslovic, Chairperson; Ted Koffman, Maine Audubon Society; Martin Fisher, Serlin Haley; Danny Bouzianis, Dunkin Donuts; Richard Grotton, Maine Restaurant Association; Deb Hart, Retail Association of Maine; Shelley Doak, Maine Grocers Association; Steve Rosario, American Chemistry Council; John Morin, ecomaine; Cathy Ramsdell, Friends of Casco Bay; Matthew Faulkner, Surfrider; Sally Trice, Portland citizen

17:08

The meeting of the Green Packaging Working Group opened at 5:08 p.m. in Room 24 of Portland City Hall on May 6, 2013.

1. Approval of Minutes

Steve Rosario of the American Chemistry Council had several changes to the minutes of April 8<sup>th</sup>. On page two, he clarified that he did not state that he said "...polystyrene is not the only environmentally damaging substance...." instead he said that "all substances in use in foodware have issues." He also asked that the minutes reflect that on page four John Morin of ecomaine stated that ecomaine does recycle paper cups. Lastly, Mr. Rosario asked that the minutes reflect that he had issues that he had wanted to raise during the previous meeting, but did not have an opportunity to do so at the end of the meeting.

Martin Fisher of Dart Packaging raised the issue of a list of exemptions he had submitted, Chairman Suslovic said that his list and any other proposed amendments would be considered during this evening's deliberations.

The minutes were approved as amended.

2. Review and Final Discussion of Draft Polystyrene Ordinance

Jennifer Thompson of the City's Corporation Counsel Office explained the proposed polystyrene ordinance in detail, beginning with the findings and purposes section. Mr. Rosario reiterated that it was his opinion, as one who had worked in the industry for 22 years, that there were factual errors in the findings section. Ms. Thompson continued the explanation, including the staff-added language regarding the definitions and exemptions.

Chairman Suslovic asked for any clarifying questions from the committee. Hearing none, he asked for a motion. Ted Koffman of Maine Audubon moved to accept the ordinance as written; Cathy Ramsdell of the Friends of Casco Bay seconded the motion.

## Discussion:

Mr. Fisher introduced the list of amendments he prepared, noting that all but one had been taken from the materials that had been submitted to the task force. He asked that the task force take up and move each amendment separately.

Mr. Fisher moved an amendment, taken from Freeport's ordinance, to make the City's ordinance null and void if an effective polystyrene recycling program was implemented. Mr. Rosario seconded the motion.

Chairman Suslovic asked about definition of recycling, if it was "bringing it to" Riverside or single sort curbside. Mr. Fisher clarified that his definition gave the City the flexibility to decide. Mr. Koffman asked who decided what an "effective recycling program" was. Mr. Fisher responded the City was. Michele Brooks of Portland asked if the full decision was unquestionably up to the city. Mr. Fisher answered that the City had to give it its stamp of approval. Ms. Brooks made an amendment, agreed to by Mr. Fisher, that language be added clarifying that any effective recycling program required City approval. Mr. Rosario asked that no specific business be named as the administrator of any recycling program. Matthew Faulkner of Surfrider asked that any recycling program have a reuse component to it. Deb Hart of the Retail Association of Maine noted that new technology emerges constantly, and further definition within the ordinance could hamstring the city. Mr. Faulkner reiterated that any recycling program should have a reuse component. The vote was taken, and the motion carried 11-3.

Mr. Fisher moved that the City draw up a list of suitable, affordable biodegradable alternatives for retail and restaurant establishments to use, to be drawn up by the Environmental Services Manager of the City of Portland. Richard Grotton of the Maine Restaurant Association seconded the motion.

Mr. Koffman suggested the City could make such a list available without codifying it in an ordinance. Mr. Fisher said the inclusion of a list was as an educational tool and wasn't meant to be restrictive. Chairman Suslovic noted that new technology changes day by day, and that it wasn't the role of the City to determine what technology was best. Mr. Rosario said that the larger retail food vendors have the resources to do the research for themselves, but smaller establishments may not. In that light, having a list of resources would be very valuable. The vote was taken, and the motion failed 6-8.

Mr. Fisher moved an amendment stating that if the Maine Legislature votes to ban polystyrene statewide, Portland's ordinance would be null and void. He explained that this would prevent "quilt-patching" and the requirement that packaging companies keep track of many different laws and ordinances within the state. Shelley Doak of the Maine Grocers Association seconded the motion. Ms. Brooks asked if he was referencing federal law, and made an amendment, accepted by Mr. Fisher, to change Massachusetts to Maine. Chairman Suslovic noted Portland's stringent smoking ban and asked what would happen if Portland's polystyrene ordinance exceeded state requirements. Ms.

Brooks said she thought Portland's ordinance would stand. Ms. Thompson asked what would happen if the legislature passed a polystyrene ban, then repealed it some time later. Mr. Fisher answered that he didn't want a quilt patch and suggested adding "while a substantially similar Maine law is in existence, the Portland law is superseded." The vote was taken, and the motion passed unanimously.

Mr. Fisher moved to add an in-store recycling exemption, explaining that if a store offers recycling options for polystyrene, it should be allowed to sell it. Ms. Doak seconded the motion.

Mr. Faulkner asked what the definition of recycling would be. Chairman Suslovic answered that Portland partly owns ecomaine and can dictate what recycling is. Mr. Faulkner expressed concern that there were several different recycling practices the city doesn't have control over. Mr. Fisher answered that he added this amendment in the interest of education and personal responsibility. He noted that in-store recycling costs the store and gives them an incentive to recycle. Chairman Suslovic reiterated that recycling has to be convenient in order to be effective, as proved by recycling rates. He said that, in general, customers use polystyrene containers for takeout as opposed to eating on-premises, and it is unlikely customers will return their containers to the store they bought them from. Sally Trice of Portland agreed with him and added that polystyrene containers will still wind up in the trash bag or on the street. Ms. Brooks agreed that the idea that someone is going to bring it back is not logical. She also noted that a bin labeled "recycling" does not mean that the contents will in fact be recycled. Mr. Fisher added an amendment that the in-store recycling program must be approved by the city in order to be exempted from the ordinance. Mr. Rosario suggested other recyclers should be allowed with the in-store program, as opposed to limiting establishments to ecomaine. Chairman Suslovic said if the City finds an effective polystyrene recycling program, the whole ordinance is moot anyway. Mr. Fisher added that this amendment has the capacity to create a market for recycling. Ms. Brooks asked if there were examples of this exemption in any other ordinance. Mr. Fisher answered that he had crafted this one independently of other ordinances. The vote was taken; the motion failed 5-9 with one abstention.

There were no other amendments.

### 3. Vote on Final Draft Ordinance

Mr. Fisher asked if there would be an opportunity for a minority report. Chairman Suslovic said there would be.

The vote was taken on the full draft ordinance. The motion passed as amended, 9-6.

Chairman Suslovic asked that those who had an interest in compiling a minority report nominate one person to work with Troy Moon of Portland Public Services. Mr. Fisher said he would, and asked how long the minority committee has to submit the

report. Mr. Moon noted that it would probably be needed by May 31 to be submitted to the Transportation, Sustainability and Energy Committee for placement on the earliest agenda possible. Chairman Suslovic said he hoped the ordinance could be placed on the TSE agenda for June 19<sup>th</sup>. Mr. Fisher asked when Ms. Thompson could get the final draft of the proposed ordinance. Mr. Moon suggested we could distribute the ordinance language on May 17<sup>th</sup>. Chairman Suslovic reminded everyone that all dates are tentative.

#### 4. Plastic bags discussion

Chairman Suslovic introduced the topic of plastic bags and what, if anything, the task force can do about them. He called on Joshua Dow, a student at Casco Bay High School, who had prepared a presentation on plastic bags and how to dispose of them. Mr. Dow proposed a plastic bag return similar to the bottle return program, in which participants would get a certain amount of change for each plastic bag. In addition to the environmental benefits, such a system would give citizens in financial difficulties a method of earning money. Mr. Dow noted that it took one thousand years for a plastic bag to degrade, and added that plastic bag litter was a monumental worldwide problem.

Mr. Koffman asked if Mr. Dow had looked into biodegradable bags. Mr. Dow responded that there were vegetable oil-based plastic bags that were 92% decomposable. He also mentioned the reusable/recyclable bags that Shaws and Hannaford offered to their customers. Ms. Brooks asked if he had considered bans as a solution. Mr. Dow said there had been attempts at bans, but the plastics industry had brought suits against municipalities that had passed ordinances banning plastic bags. Chairman Suslovic thanked Mr. Dow for opening his eyes to different ideas like the returnable idea as opposed to an outright ban.

Chairman Suslovic asked some questions to get the conversation going. He noted that any tax a municipality enforces must be passed by the state legislature. He also noted that the percentage of people who bring their own bags to the grocery has increased to roughly 50%. Mr. Faulkner noted that any charge would be a fee as opposed to a tax because it is levied only on people who choose to use plastic bags. He said he had spoken with Missy Lavie at ecomaine, who told him that plastic bags are collected and sold to a broker, who will not tell them what's done with them. Mr. Morin corrected him and said plastic bags were likely not burned or landfilled because of the cost the brokers paid. Mr. Faulkner noted that San Diego does not take plastic bags, even though they take everything else and added that it costs the City of San Francisco \$4000/ton to recycle bags that costs \$32/ton on the free market.

Ms. Brooks asked what happened to bags that are collected by the supermarkets. Ms. Doak said they were shipped out of state to be recycled. Mr. Rosario said that plastic bags are a valuable market. He noted that plastic bags were used to manufacture plastic lumber, as well as other recycled content. He noted that many jobs were created in the manufacturing of plastic bags as well as in the recycling and reuse of them. He added he recycles all manner of plastic film when he goes to his local grocery store, not only the plastic grocery bags. Mr. Grotton asked what the discrepancy was between one person

saying it's not worth anything, another person saying it's worth quite a lot. Mr. Morin replied that it depends on the density and cleanliness of the post-consumer plastic. Ron Adams of Portland Public Schools noted the school doesn't use as many plastic bags. He added that even though there are recycling opportunities, there are still lots of bags around.

Ms. Trice asked if there was a definition of "plastic bag" that the task force was targeting. Chairman Suslovic agreed that was one of the first challenges facing the task force. He said that the litter issue was significant, and the task force was looking at post-consumer litter, from appearance to stormwater catch basins.

Mr. Koffman said he had talked with was talking with Irish TD and businessman Ruairi Quinn, who initially opposed the plastic bag tax, but eventually got on board and says it works great as far as reducing litter on land and in the sea. Mr. Koffman suggested incentives in addition to the ones the grocery stores were using. Chairman Suslovic noted that the last time he was in Russia he had to pay for a plastic bag at a store, and used that plastic bag for a month, over and over. Ms. Brooks said she liked the newspaper articles provided by staff, and said the time was right to impose a fee for plastic grocery bags, as opposed to Portland Press Herald newspaper delivery bags. Deb Hart of the Retail Association of Maine asked if Ms. Brooks would define a grocery bag as one you'd get at a convenience store, and Ms. Brooks said she would. Chairman Suslovic suggested "retail" bag as a more appropriate term.

Steve said grocers in Massachusetts have entered into an agreement with the state Department of Environmental Protection to reduce the use of plastic bags. He also noted that Ireland's plastic bag manufacturing industry underwent a drastic downturn after the ban there was passed. He urged the task force to take into account the economics of the issue.

Chairman Suslovic noted that the issue before the task force was litter caused by plastic bags and its cost to the city. He said he liked the recycling programs that the grocery stores had implemented, but he was concerned that too many bags escape that system. Mr. Faulkner noted that plastic grocery bags have handles, as opposed to the plastic bags one puts meat or veggies in. He suggested that the task force consider a ban on paper bags as well. He noted that there are many cottage industries creating beautiful and useful reusable cloth bags that could be composted after one is done.

Ms. Doak said in 2009 a bag tax bill was introduced to the Maine legislature, and through the committee process the same memorandum of understanding that Massachusetts grocers used was adopted. The "Got Your Bags Maine" campaign was designed to reduce the use of plastic grocery bags by 33%. The coalition was also trying to collect data from retail stores to measure the reduction of plastic bag use. She said that the aim of the Maine legislature was to help consumers and the packaging industry understand the recycling and reuse of bags. She noted that plastic and paper bags are made in the United States, while many reusable bags are made elsewhere.

Chairman Suslovic commended the efforts of the retail and grocers committee to increase their education efforts, but the problem of plastic bag litter has not lessened. Mr. Rosario said a ban is a simplistic answer to a complex question, and suggested that this is a personal accountability question. Chairman Suslovic asked for everyone to come to the next meeting with suggestions for abating the problem.

Public comment was then taken on the issue.

Chris O'Neil of the Greater Portland Chamber of Commerce asked the task force to define the problem, its causes and look at many possible solutions. The Chamber asked that the Portland recycling program be examined as part of the problem, specifically the issue of open blue bins that allow recycling to become litter. He said the Portland Chamber of Commerce would consider supporting legislation in Augusta taxing or banning plastic bags statewide before considering a program that would make Portland an outlier. He praised Mr. Dow's idea of bag deposits.

#### 5. Meeting dates

Chairman Suslovic asked Staff to come up with dates for summer meetings. Mr. Moon asked the task force for examples of solutions to the problem from other communities. Chairman Suslovic asked the task force to think about any and all ways to get plastic bags away from where they don't belong. Ms. Hart asked if we had done a citywide program regarding bags. Ms. Doak added that Portland could become the poster child for consumer bag awareness.

The meeting was adjourned at 6:48 pm.