

Green Packaging Working Group
Monday, March 11th, 2013
Portland City Hall
389 Congress Street
5 p.m.

The initial meeting of the Green Packaging Working Group Task Force opened at 5 p.m. Monday, March 11th in Room 24 of Portland City Hall.

1. Welcome.

Chair Ed Suslovic opened the meeting with a welcome to all the interested parties and members of the public in attendance and said he was pleased at the level of interest exhibited. Each member of the task force introduced themselves and their affiliation.

2. Goals and Objectives.

Chair Suslovic outlined the goals of the group. Its first task is to look at ways of recycling, reducing or banning polystyrene through an ordinance recommendation. Its second task is to take up the issue of non-recyclable plastic grocery bags. Because the town of Freeport has had an ordinance banning polystyrene for 20 years and because a representative from the town was present, the main focus of the group this evening would be discussion on Portland's prospective ordinance. Chair Suslovic noted that public comment would be taken at the end of the night. He also outlined the process the ordinance recommended by the task force would take, in that it would be reviewed by the Transportation, Sustainability and Energy Committee in a public hearing, and then, if it was recommended, it would go to the City Council for another public hearing and eventual passage.

3. Presentation of Freeport Foam Packaging Ordinance.

Freeport Town Engineer Albert Presgraves spoke about the town's ordinance, which went into effect in early 1990, spurred by a group of school students working on a project. The Freeport ordinance prohibits the packaging of food or beverages in polystyrene containers and the sale of polystyrene cups and containers by retailers. The town's preference is to educate and resolve issues, rather than impose fines for offenders. Mr. Presgraves noted that he had worked in Freeport for 10 years and could not recall any fine levied against a business regarding this ordinance. He began work as Shaw's was preparing to open a new store in town, and he stated the retailer had no public problem or difficulty with the ordinance. He also said that there is Dunkin' Donuts in town, and they serve their

coffee in paper cups without apparent negative economic issues. Freeport's ordinance addresses polystyrene packaging use only in Freeport, it has no impact on items packaged outside the town.

Mr. Presgraves took some questions from the task force regarding Freeport's experience with the ordinance. Regarding a question about a phase-in process for stores that may have had polystyrene inventory, he said he imagined there was a phase in provision, but he could not say for certain because he was not with the town at that point. In response to what shipping companies, both retail and industrial, have done about using polystyrene packing peanuts, Mr. Presgraves said if someone was to mail something packaged with polystyrene from Freeport it is technically illegal but the question has never come up. A question was asked about the level of litter in Freeport before and after the ban. Mr. Presgraves said he was not aware of any studies. A followup question was asked if any comparison studies between paper and polystyrene cups had been done for manufacture and transport, Mr. Presgraves was not aware of any carbon footprint studies either.

4. Discussion.

Questions were asked of John Morin, of ecomaine, about the different substances that ecomaine recycles. Mr. Morin said that ecomaine does not recycle polystyrene, but it does take wax lined paper cups and the corresponding plastic covers. Mr. Morin noted that polystyrene is 100% recyclable, but ecomaine doesn't recycle it for three reasons. The facility does not have the equipment to recycle it, shipping costs to facilities in Massachusetts or further south are restrictive because waste is priced by the ton and polystyrene is lightweight and not very dense, and there is no market for recycled polystyrene, either in the building industry or elsewhere.

Danny Bouzianis of Dunkin Donuts asked about the carbon footprint of polystyrene as compared to paper. Tyler Kidder of USM suggested that a more important measure of environmental protection is the rate of breakdown of a substance. She added that she thought recycled paper cups have a small carbon footprint as opposed to virgin paper cups.

Ron Adams of Portland Public Schools gave a summary of the school department's experience with polystyrene, saying that the single biggest complaint from parents used to be "why are you giving my kids lunch on Styrofoam®?" Many parents would choose to give their children lunch from home rather than allow them to be served on polystyrene. Mr. Adams noted that for the school lunch program, nutrition is more important than the vessel it's served in, so they changed to a paperboard product to please their client base. He said there was a significant price difference between a three cent polystyrene tray and a 12 cent paperboard tray. Chair Suslovic noted the paperboard products used in schools are both recycled and compostable, and they are also made in Waterville, reducing both the life cycle issue and the transportation-related carbon footprint. Martin Fisher of

Serlin Haley asked the task force to look at the economic impact for businesses and stores based on the Portland schools experience.

Mr. Morin asked Mr. Bouzianis about the difference in cost between paper cups and polystyrene cups. Mr. Bouzianis stressed that you could ask for a paper cup at Dunkin Donuts for no extra charge, and in fact you would receive a couple additional ounces of coffee for free because of the size difference between the cups. When asked why Dunkin Donuts doesn't serve all of their drinks in paper cups. Mr. Bouzianis answered that part of it had to do with marketing, and part of it had to do with the temperature of the coffee. He explained that steamed milk drinks generally are served at a temperature of 140° F, whereas Dunkin Donuts serves their brewed coffee at a temperature of 190° F. Mr. Bouzianis noted that most people who ask for a paper cup generally ask for a second cup to put over the first because the cup is uncomfortably hot, which makes the paper cup less environmentally sound and increases the expense for the company. Michele Brooks of Portland said she understood the cost difference between polystyrene and paper, but noted that there was a difference in the quality of paper cups, if temperature was an issue. Cathy Ramsdell of Friends of Casco Bay said that her bottom line has more to do with the long term future of the planet than the expense to a company.

Mr. Presgraves said he had heard that there had been some economic concerns when Freeport's ordinance went into effect, but all of the town's establishments had worked with the ordinance successfully. He noted that to his knowledge the town had never fined anyone, and at most the town had sent a letter to a nonconforming establishment advising them of the ordinance. Mr. Fisher said that there was a difference in scale between Freeport and Portland in population, demographics, number of establishments and manufacturing businesses. Chair Suslovic stated that the Freeport ordinance was being used as an example simply because it was local and had been effective for so long. He added that the ordinance the task force was crafting was specifically aimed at single use disposable food packaging. Mr. Fisher asked why economic impact is a consideration for the fishing, shipping and manufacturing industries and not for the small mom and pop stores. Shelley Doak of the Maine Grocers Association said she had been making a list of food manufacturers and shipping companies in Portland that would be impacted by a polystyrene ban, and asked if the purpose of the ordinance was to change public behavior or if there was another purpose. Richard Grotton of the Maine Restaurant Association asked if the task force was there to consider an ordinance banning polystyrene or if it was there to write one. Chair Suslovic answered that the City Council had asked the Transportation, Sustainability and Energy Committee to consider an ordinance, the TSE Committee created the Green Packaging Working Group to create one to consider.

Curtis Picard of the Retail Association of Maine asked what happened to waste that was not recycled in Portland. Troy Moon of Portland Public Services answered that unrecycled waste went to ecomaine and was burned in the incinerator. Mr. Grotton asked that if polystyrene was light and compactable and

being taken to the incinerator, what was the issue. Mr. Moon answered that it could be collected at the curbside as recycling, but the issue was the difficulty in marketing it from ecomaine. Ms. Ramsdell noted that as a certified public accountant, she understood the issues of the businesses that were being raised, but accounting is not good at considering the full costs to the environment such as the impact on the ocean and the atmosphere when waste is burned. Even though she understood the cost impacts of restaurants and stores, she said that it would be difficult to get the "cost estimate" on the environment. Mr. Fisher asked what percentage of the waste stream is polystyrene, and if it was possible to get that number to the task force. Chair Suslovic noted that the overall percentage was decreasing due to consumer pressures, and if it was an economic difficulty we would have heard about it from Freeport's experience. He reiterated that he envisioned Portland's ordinance only for food and beverage packaging, and he said he couldn't see it impacting shipping and seafood shipping.

Mr. Grotton noted that customers liked the thermal properties of polystyrene and to-go businesses liked the convenience and the cost of it. Any other higher priced container they used would result in an increased cost to the consumer. Mr. Bouzianis added that 36 times the amount of energy was needed to make paper cups as opposed to polystyrene cups, and 12 times the amount of water. Mr. Adams said the school department looked at ways to pay for non-polystyrene products, which cost 12% more, but because the trays they used were compostable, they made the difference up in the reduction in the waste removal costs. He noted that the school department's experience didn't address a to-go restaurant's issues, but he said that the kids' work reflected that there could be cost savings, and the City should try to follow their lead.

Michele Brooks of Portland asked Mr. Bouzianis if he had talked to the Dunkin Donuts in Freeport and what their experience was in 1990. He said he had. Ms. Brooks said that lots of places in Portland use non-polystyrene containers, there must be a way to encourage use of them more in Portland. Mr. Presgraves said many establishments were concerned that Shaws was going to get a competitive advantage when they came in because of the polystyrene issue, but that all establishments were on a level playing field in Freeport. Ted Koffman of the Maine Audubon Society asked if the committee could see other ordinances from other cities because many cities have moved away from polystyrene and plastic more for reducing waste removal costs than environmental consciousness. Mr. Picard said that by banning a low cost option like polystyrene there must be some sort of economic impact to companies and the jobs they could offer. Mr. Bouzianis also noted that a ban could drive people who would otherwise run a business in Portland to surrounding municipalities. Mr. Fisher asked how the task force can pick on one section of the economy over another.

Chair Suslovic asked staff to locate the order from the Transportation, Sustainability and Energy Committee which created the Green Packaging Working Group and ordinance examples from other cities that have instituted a polystyrene

ban, specifically whether a phase in date or significant lead time was written in to allow restaurants and retailers to deplete their stock of polystyrene containers. Mr. Bouzianis suggested looking for ordinance language from cities where a ban did not pass and data regarding economic and job impacts and environmental impacts regarding the life cycle and carbon footprint of various container types.

Mr. Fisher asked for clarification of the task force's motivation, whether for limiting litter or for public health or other reasons. Chair Suslovic said that a majority of Portland citizens are in favor of a polystyrene ban for environmental reasons very similar to those outlined in the Freeport ordinance.

5. Meeting Schedule.

Chair Suslovic excused himself as he had another meeting he was already late for. He announced that the next meeting will be on April 8th at 5 p.m. in Room 24. He said he hopes to have an ordinance written and ready for a vote at that meeting. Mr. Koffman took over as moderator and opened the floor for public comment.

Public Comment

Chris O'Neil of the Greater Portland Chamber of Commerce stated he was here to observe on behalf of the Chamber. He noted that Portland's business friendliness has had a history of ups and downs, and the state of the City is pretty good right now. The Chamber is in favor of a clean and safe city and he agreed that polystyrene is a blight on the streets. He said that the Chamber is not taking a position for or against a polystyrene ban at the present time. He was concerned that the City is stepping beyond jurisdictional bounds. He urged all sides of the debate to back up facts with evidence as opposed to spinning out opinion. He noted that the Chamber has an issue with the open container system of the recycling and solid waste collection program. He urged the task force to open their minds and entertain new ideas.

Allen Zimmerman of Harriseeket Lunch and Lobster said he had concerns with the statements Chair Suslovic made. He asserted that there are no carcinogens in polystyrene any longer, the costs for paper cups and trays are 6-12 times more than polystyrene. Companies that are under the ban will pass costs onto customers.

Barbara Anania of Anania's stores said she was conscious of what her consumers want. Her store offers travel mugs and paper cups as well as polystyrene cups, which the customer prefers 5 to 1. In Jan 2012, they invested in polystyrene cups with their names on them, of which they still have 1 ½ years left. She is concerned that if a ban is enacted they won't be able to use the cups they have in stock. She has observed that people who use paper cups use two cups. The costs of running a business are going up, as a small business they can't keep up.

Deborah Napier, citizen, said she finds the topic very interesting. She was surprised to find there are no carcinogens remaining in polystyrene. One of her concerns is that polystyrene does not break down. Portland is an example-setter, she said, and noted she does not purchase polystyrene but has learned a lot about Dunkin Donuts' paper cups. She noted that she would like to learn more about the topic and believes there's a reason other cities are doing this.

Avery Day, attorney at Pierce Atwood representing the American Chemistry Council asked for minutes from the July 18th TSE committee. He said he believes the ACC can offer good information regarding this topic.

Abigail King, of the National Resources Council of Maine said she has information on life cycle analysis of polystyrene and how to shift costs so it won't be a double taxation on small businesses.

Jessie Pereira, 8th grader at King Middle School, commented on how much she likes the paper trays at her school because they are more durable and less likely to break under load. She noted that the school recycles and as a member of the green team they compost food in bins and use the resulting loam for the school gardens. Because of this it improves the gardens immensely. She suggested to the adults that they stop being closed minded on both sides, and keep their opinions open for both sides of the argument.

Because all speakers had not used their three minutes, Mr. Koffman asked if anyone had any further comments.

Mr. Zimmerman added that because of federal regulations, the only way to ship fresh fish is through polystyrene containers packed in ice.

Mr. O'Neil advised the task force to come to an agreement whether there will be an minority report and state outright the other processes common to task forces that they would use.

Ms. Anania noted that Pack Edge, an industrial shipping company, packs in polystyrene.

Mr. Fisher noted that the eighth grader who spoke was the most eloquent of anyone who had spoken that night.

The meeting was adjourned at 6:42.