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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON THE ENVIRONMENT

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 24, 2007
10:35 a.m.

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PRESENT:

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COUNCILMAN JAMES F. KENNEY, CHAIR

COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN FRANK DiCICCO

COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK RIZZO

COUNCILMAN DANIEL SAVAGE

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BILL 070671 - An ordinance enacting a new
Chapter 9-3200 of The Philadelphia Code,
entitled "Shipping and Packaging Waste
Reduction Ordinance"...

14

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16

BILL 070672 - An ordinance enacting a new
Chapter 9-3100 of The Philadelphia Code,
entitled "Food Service Waste Reduction
Ordinance"...

17

18

BILL 070691 - An ordinance amending Chapter
9-600 of The Philadelphia Code, entitled
"Electric Vehicle Parking"...

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BILL 070788 - An ordinance enacting a new
Section 12-1131 of The Philadelphia Code,
entitled "Electric Vehicle Parking"...

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

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Committee on the Environment has a

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quorum, with members Rizzo, Blondell

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Reynolds Brown and Chairman Kenney.

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The first bill we will be

8

considering today is 070788, an ordinance

9

enacting a new Section 12-1131 of The

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Philadelphia Code, entitled "Electric

11

Vehicle Parking," to provide for the

12

designation of electric vehicle on-street

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parking spaces where only electric

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vehicles may be parked and amending

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Section 12-2809 of The Philadelphia Code

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to provide for penalties for illegally

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parking in a designated electric vehicle

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parking space; all under certain terms

19

and conditions.

20

Mr. Dickson, please.

21

Good morning.

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MR. DICKSON: Good morning, Mr.

23

Chairman, members of the Committee. I

24

have written testimony. I'm Richard

25

Dickson, Senior Director of Strategic

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 Planning and Administration for the
3 Parking Authority.

4 Under this bill, the Parking
5 Authority is tasked with providing
6 certain functions for the implementation
7 of the legislation. It requires that
8 after the Streets Department has granted
9 a permit for the installation of
10 electrical connection at the curb, the
11 Authority would then review the
12 application for the ability to have the
13 zone installed for traffic conditions and
14 other considerations.

15 This is exactly the function
16 that we do in terms of processing
17 applications for reserved spaces for
18 people with disabilities. We've done
19 that for the last 20-some years without
20 any problem.

21 I think this bill addresses a
22 significant problem in terms of people in
23 cities being able to have electric cars,
24 which are different than those people in
25 the suburbs. The suburbs, you can drive

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 into a driveway, connect to your home and
3 have the vehicle charged. In the City,
4 most people don't have those
5 opportunities. So this provides an
6 opportunity for people who wish to have
7 electric vehicles to do them in an
8 environment where there are not direct
9 access to garages and driveways.

10 So the Authority has no problem
11 with the assignments that were given it
12 under this legislation and would
13 recommend favorable consideration of the
14 bill.

15 COUNCILMAN KENNEY: Thank you.

16 Councilman Rizzo.

17 COUNCILMAN RIZZO: Mr. Dickson,
18 how will you and who will set the rates
19 for the energy that you charge for people
20 to charge their electric vehicles?

21 MR. DICKSON: We have no
22 control over that. The electricity, I
23 would assume, would be under a permit
24 issued by the Streets Department to
25 connect -- to have a connection at the

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 curb that would connect to their home
3 electricity.

4 COUNCILMAN KENNEY: And the
5 installation and maintenance of that
6 would be at the cost of the homeowner.

7 MR. DICKSON: Right.

8 That's not part of our
9 responsibility there. That's a Streets
10 Department function that would grant the
11 permit to do that.

12 COUNCILMAN RIZZO: I think
13 that's a significant obstacle, because
14 that could be very, very expensive, that
15 type of an installation. So I think we
16 need to address that during this hearing
17 today.

18 COUNCILMAN KENNEY: I guess if
19 you compare it to the money you save in
20 gas, I would expect that the people
21 making the purchase of the electric
22 vehicle are interested themselves in
23 installing it, similar to what you do in
24 a newsstand when you get permission to
25 electrify a newsstand, the Streets

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2 Department gives that permission and it's
3 installed and inspected, and then the
4 Parking Authority's function would be to
5 simply enforce the parking regulation.

6 MR. DICKSON: Well, under the
7 bill, we would also process applications
8 for the installation of the zone, and
9 that would be done consistent with
10 traffic regulations that would permit it
11 there, whether or not the person had
12 other options such as a driveway or a
13 garage where they could have a more
14 efficient connection, but those issues
15 that you raise would not be under our
16 area as outlined in this bill.

17 COUNCILMAN RIZZO: Thank you,
18 but we will need to address that part of
19 the process.

20 Thanks.

21 COUNCILMAN KENNEY:
22 Councilwoman Brown.

23 COUNCILWOMAN BROWN: Thank you
24 very much.

25 Good morning.

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2 MR. DICKSON: Good morning.

3 COUNCILWOMAN BROWN:

4 Essentially you're saying that the
5 Philadelphia Parking Authority will not
6 be principally responsible for the
7 installation of the equipment to
8 accommodate the vehicle, correct?

9 MR. DICKSON: We would not be
10 involved in that at all. Our
11 responsibility would be only for
12 reviewing the applications and
13 determining that it's appropriate under
14 traffic regulations and whether it is the
15 most efficient place to put it; for
16 example, if they have a garage or a
17 driveway that would be more appropriate.

18 COUNCILWOMAN BROWN: And the
19 support by the Parking Authority is done
20 so because? Complete the sentence for
21 me.

22 MR. DICKSON: Because this is
23 consistent with what we do in other
24 situations, such as reviewing
25 applications for reserved parking for

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2 people with disabilities, loading zone
3 applications. In terms of the
4 operational requirements of having a zone
5 installed, we can fulfill that function
6 under this legislation consistent with
7 what we do in other areas.

8 COUNCILWOMAN BROWN: Okay. All
9 right, then. Thank you for your
10 testimony.

11 COUNCILMAN KENNEY: Thank you
12 very much.

13 Tim McDonald, John McDonald,
14 Linda Smith and Ted Singer, please.

15 Please, whoever is going to
16 start, identify yourself for the record
17 and proceed.

18 MR. DiRUSSO: My name is Gavin
19 DiRusso.

20 COUNCILMAN KENNEY: Please
21 proceed.

22 MR. DiRUSSO: We're here
23 obviously to represent the electric car
24 parking. I just feel that it will be
25 really beneficial for carbon footprints

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2 for the Philadelphia residents. As you
3 know, gas vehicles put up a large amount
4 of CO2 in the atmosphere. So for an
5 electric car to hit Philadelphia, I feel
6 that it will be very beneficial. It will
7 reduce carbon footprint, be very
8 beneficial in that way.

9 COUNCILMAN KENNEY: Okay.

10 Thank you.

11 Whoever is next, identify
12 yourself for the record.

13 MS. MONTANILE: My name is
14 Linda Montanile. I am here to support
15 the electric car, mainly because I think
16 it's going to be a stepping stone for
17 Philadelphia to turn even more green. I
18 think it's going to really put
19 Philadelphia on the map as far as an
20 energy-efficient and earth-friendly city.

21 COUNCILMAN KENNEY: Thank you.

22 Please identify yourself.

23 MR. SINGER: My name is Ted
24 Singer. I'm here to support the electric
25 car parking ordinance. I just feel that

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2 it's a great opportunity for the City to
3 reduce pollution by encouraging people to
4 get electric cars who might otherwise
5 think, I have no place to charge my car
6 because I don't have a garage. So I
7 think it's a great step.

8 COUNCILMAN KENNEY: Thank you.

9 MR. TIM McDONALD: My name is
10 Tim McDonald and I'm here to support the
11 legislation as well, for all the same
12 reasons that have just been stated, but
13 the other thing is that I'm a big
14 cheerleader for Philadelphia, and so the
15 idea that Philadelphia -- I actually
16 don't know of another city that has this
17 legislation. So the idea simply when it
18 gets out to the rest of the country that
19 Philadelphia is supporting electric cars,
20 that will bring an attention to
21 Philadelphia, and Philadelphia is already
22 trying to become kind of a green center,
23 even more so than Chicago. So I think it
24 will be bring a lot of attention and a
25 lot of interest to the City.

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2 COUNCILMAN KENNEY: And it is
3 true that LEED certification does give
4 points to private parking garages who
5 install designated spots for plug-in
6 cars. So the developer who does that
7 gets points towards LEED certification,
8 either silver or gold.

9 MR. TIM McDONALD: That's a
10 very, very good point. And along those
11 lines, we're architects, developers and
12 builders, and we intend to -- we're
13 excited to have this legislation
14 tomorrow, because we intend to include an
15 electric car with the home that we're
16 currently building for somebody. So we
17 intend to really get the press out there
18 on this legislation.

19 COUNCILMAN KENNEY: Thank you.

20 MR. JOHN McDONALD: My name is
21 John McDonald, brother with Tim, partner,
22 and I'm a resident of Old City where
23 parking is maybe at the most premium in
24 the City. I'm also someone that's spent
25 the last several months going to the

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2 meetings for the GreenPlan Philly.

3 This is very important to me to
4 have Philadelphia become the epicenter of
5 green living and green development in the
6 country. Like my brother said, I think
7 the fact that Philadelphia will become
8 the first city with a legislation
9 providing parking for electric vehicles
10 will really set us apart and give us an
11 opportunity for recognition on the
12 sustainable path that GreenPlan Philly is
13 taking. I think it's an opportunity not
14 to be missed.

15 COUNCILMAN KENNEY: Could any
16 of you or all of you, if you want,
17 comment on the issue relative to the
18 installation cost and maintenance cost?
19 Do you think that that cost borne by the
20 homeowner is something that is outweighed
21 by the savings on the fuel?

22 MR. TIM McDONALD: I think that
23 there are two ways to look at that. One
24 is new construction and the other is
25 retrofitting an existing home. I think

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2 it's a little bit more expensive to do
3 that when it comes to an existing row
4 home, but with every new development, you
5 dig up the sidewalk and you bring in
6 services and you bring in -- so it takes
7 nothing to run a conduit out and have
8 electric come out from your building. I
9 think it's fairly insignificant on a
10 4-to-12-foot-wide sidewalk to cut a line.
11 It's electric. It doesn't have to be
12 very far below the ground, below the
13 surface to run a conduit in. So I think
14 it's minimal.

15 I think those who buy an
16 electric guitar -- those who play
17 electric guitars out on the street
18 through this -- no.

19 COUNCILMAN KENNEY: Plug into
20 your sidewalk and play on the sidewalk.

21 MR. TIM McDONALD: Right.
22 Exactly.

23 No. Those who buy an electric
24 car will see this as an insignificant
25 cost.

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2 COUNCILMAN KENNEY: And it is
3 cheaper on new construction?

4 MR. TIM McDONALD: It's part of
5 the process.

6 COUNCILMAN KENNEY: And you
7 believe that the overall savings on the
8 lifetime of the car and the fuel costs
9 would outweigh the cost of installation
10 and maintenance?

11 MR. TIM McDONALD: Immensely.
12 Especially when -- and I say "when," not
13 if -- when codes, building codes, start
14 requiring us to generate our own
15 electricity rather than take it from
16 PECO. And when we start generating our
17 own electricity on our development sites,
18 then we're not using any coal, anything
19 to power our cars at that point, and
20 that's very near in the future.

21 COUNCILMAN KENNEY: Please.

22 MR. JOHN McDONALD:
23 Additionally, I'd like to make the point
24 that designation for electric car parking
25 throughout the City, this idea of where

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 the charging ports are going to happen
3 and the expense at which they'll be and
4 who is going to pay for it, frankly, I
5 envision an electric car user to have to
6 power themselves, just like a gasoline
7 car user would have to fill up their own
8 car. So if I'm pulling up to Rittenhouse
9 Square in my electric car, I don't expect
10 to have a power station available to me,
11 and I certainly don't expect to have it
12 available to me for free. I do, however,
13 if I have a designated space in front of
14 my home, because of all the right
15 reasons, it makes sense to designate
16 electric car parking, I would as a
17 homeowner either buy a home with a
18 charging port already there or install
19 one. So, therefore, I would be feeding
20 my vehicle from my own meter. That's how
21 I envision this really being successful.

22 COUNCILMAN KENNEY: Councilman
23 Rizzo.

24 COUNCILMAN RIZZO: I appreciate
25 your testimony. Since we're talking

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2 about electric fuel -- and one of the
3 obstacles of natural gas vehicles is the
4 fact that compressors are needed to
5 charge the vehicle. Do you think we
6 should look at expanding this beyond just
7 electric vehicles, that natural gas
8 vehicles also be included? Or I'm not
9 even sure if that would be a practical
10 expansion, but should we consider other
11 than electric that need to be charged,
12 like natural gas vehicles?

13 MR. JOHN McDONALD: Should we
14 consider vehicles in the City of
15 Philadelphia other than -- with
16 alternative fuels?

17 COUNCILMAN RIZZO: Right.

18 MR. JOHN McDONALD: Absolutely.
19 And I think this electric vehicle
20 ordinance in legislation is the first
21 step to that.

22 COUNCILMAN RIZZO: But,
23 similarly, to be able to install in new
24 construction a service to charge a
25 natural gas vehicle would be maybe

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2 approximately the same costs because --
3 I'm thinking that if we're going to head
4 in this direction, that we shouldn't
5 leave another facet of alternative energy
6 out of the scenario.

7 MR. JOHN McDONALD: I don't
8 disagree with that, and I don't have an
9 extraordinary amount of information on
10 natural gas vehicles, for instance.
11 However, you have your -- so I don't
12 necessarily understand what the
13 compressor situation is, but what I do
14 understand is with electric, there is
15 nothing other than a home run back to the
16 electrical panel that could be directly
17 run to a charging port at your residents'
18 curb.

19 COUNCILMAN RIZZO: With a
20 disconnect switch for the electric. But
21 what I meant by the compressor, that
22 years ago one of the drawbacks of natural
23 gas or LNG was the fact that you had to
24 compress the gas to get it into the
25 storage tank. From what I understand,

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2 that obstacle has been overcome where
3 there is a way to slow-charge a natural
4 gas vehicle overnight without having to
5 have all the sophisticated equipment.
6 All you need is the gas source and the
7 rest of it happens. At least that's from
8 what I understand. And I think that
9 possibly we ought to look at that, too.

10 But thank you very much.

11 MR. JOHN McDONALD: Thank you.

12 COUNCILMAN KENNEY: Any other
13 questions for these witnesses?

14 (No response.)

15 COUNCILMAN KENNEY: Thank you
16 very much for your testimony.

17 Anyone else to testify on this
18 bill?

19 (No response.)

20 COUNCILMAN KENNEY: Seeing
21 none, I want to report that Bill No.
22 070671 will be held, and I'm also going
23 to read 070672 and 070691 together, and I
24 would appreciate that whoever is going to
25 testify give their testimony on both

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.
2 bills.

3 Bill No. 070672, an ordinance
4 enacting a new Chapter 9-3100 of The
5 Philadelphia Code, entitled "Food Service
6 Waste Reduction Ordinance," to prohibit
7 the use of disposable food service ware
8 that contains polystyrene foam and to
9 require the use of
10 biodegradable/compostable or recyclable
11 disposable food service ware by food
12 vendors, City facility providers, City
13 departments and City contractors and
14 lessees unless there is no affordable
15 alternative; all under certain terms and
16 conditions.

17 And 070691 is an ordinance
18 amending Chapter 9-600 of The
19 Philadelphia Code, entitled "Service and
20 Other Businesses," by adding a new
21 Section 9-614, entitled "Mandatory Use of
22 Recyclable and Compostable Checkout
23 Bags," all under certain terms and
24 conditions.

25 Is there a representative from

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 the Administration here?

3 Loree, thanks.

4 Denise Earley could come to the
5 table also.

6 Good morning. Thank you for
7 coming.

8 COUNCILMAN DiCICCO: Mr.
9 Chairman?

10 COUNCILMAN KENNEY: Councilman
11 DiCicco.

12 COUNCILMAN DiCICCO: Thank you,
13 Councilman.

14 I just have a few brief opening
15 remarks to set the record straight on
16 what caused me to introduce this bill,
17 which you also co-sponsored. So before
18 we begin, I just want to make a
19 concession to the opponents of this bill,
20 of Bill 070691, and better explain what
21 the goals of the legislation are.

22 No matter what type of material
23 is used as a checkout bag, paper or
24 plastic, there will be an environmental
25 impact, and I understand that. Energy

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2 for production, delivery and impact after
3 initial use is part of that concern. To
4 use one or the other is a choice that
5 will have some consequences, and I
6 certainly understand that as well.

7 I'll say now that I'm not
8 convinced that either product is better
9 per se. Different studies point to
10 different benefits. The best thing to
11 happen would be for the consumer to use
12 reusable cloth bags, and I would
13 encourage to work to change that behavior
14 and encourage that behavior.

15 Having said all that, while
16 this legislation partly deals with the
17 environment, benefit to the environment
18 was not my primary goal, although it's
19 extremely important. Philadelphia is a
20 dirty city. We've had the reputation and
21 some people have called us
22 Philthadelphia, and that's been around
23 for a very long time and something that I
24 take personal. Some people say it kind
25 of like tongue and cheek or with a smile

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2 on their face, but it certainly -- not
3 too long ago, if you remember, the Mayor
4 of New Orleans visited our city, and
5 although I didn't think it was
6 appropriate for him to make that those
7 comments, the truth of the matter is that
8 he was right. This city is a dirty city.

9 Thousands of dollars are spent
10 privately and publicly to pick up plastic
11 bags that never decompose. How often
12 have we seen bags stuck in trees or
13 tangled in fences for months, maybe even
14 years? Likewise, thousands of dollars
15 are spent in flushing our sewer system
16 because plastic bags clog those pipes.

17 Those are my two primary
18 targets with this legislation, and I am
19 hoping our witnesses will keep that in
20 mind when they testify.

21 Thank you, Mr. Chairman.

22 COUNCILMAN KENNEY: Thank you
23 very much.

24 Please identify yourself for
25 the record, Ms. Jones, and proceed.

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 MS. JONES: I'm Loree Jones,
3 Managing Director of the City of
4 Philadelphia.

5 Good morning, Chairman and
6 members of the Committee on the
7 Environment and other City Council
8 members. I'm Loree Jones, Managing
9 Director of the City of Philadelphia.
10 Thank you for inviting me here to testify
11 on three environmental bills being heard
12 here today.

13 Bills 070672, 070691 and 070788
14 address environmental stewardship and
15 urban sustainability. These bills
16 clearly recognize that the private
17 sector, as well as local government, play
18 a leading role in transforming
19 Philadelphia into a more environmentally
20 responsible and sustainable city. The
21 legislation presented here today is
22 consistent with furthering the City's
23 sustainability objectives.

24 I would like to take this
25 opportunity to emphasize this

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 Administration's commitment to these
3 concerns and values. This Administration
4 has demonstrated leadership in protecting
5 our air quality, health and environment,
6 and most recently taking measures to
7 mitigate the causes and impacts of
8 climate change. The City of Philadelphia
9 joined the Cities for Climate Protection
10 Program initiative in 1999, signed the
11 U.S. Mayor's Climate Protection Agreement
12 in 2005 and joined the Clinton Climate
13 Initiative for Large Cities in 2006.
14 These initiatives have supported such
15 actions as our municipal energy
16 management program through best practices
17 and procurement, construction and
18 facility management. Between Fiscal
19 Years '03 and '06, electricity use for
20 the General Fund accounts was reduced by
21 18,000 watts and natural gas use
22 decreased by 63,000. As a result, annual
23 greenhouse gas emissions fell by 12,400
24 tons of carbon dioxide.

25 In 1999, Philadelphia became

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 the first large city in the U.S. to
3 replace traffic signal lamps with
4 light-emitting diodes, or LEDs. LEDs can
5 consume about 80 percent less energy than
6 standard incandescent bulbs. The City
7 replaced 28,000 red lamps resulting in
8 annual energy savings of 8,300 watts and
9 emission savings of 4,100 tons. The
10 longevity of LEDs also reduces waste and
11 the number of manhours needed for
12 replacement. We intend to double these
13 benefits by changing to three-color LEDs.

14 In light of global warming
15 impacts and other pressing environmental
16 challenges, this Administration continues
17 to pursue the adoption of sustainable
18 practices, planning and policies as
19 demonstrated by reducing and greening our
20 fleets, our anti-idling regulations and,
21 more comprehensively, through the Local
22 Action Plan for Climate Change and
23 GreenPlan Philadelphia.

24 This commitment is also
25 illustrated through the Mayor's Climate

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2 Protection and Environmental Stewardship
3 Executive Order presented on Earth Day,
4 April 23, 2007, which includes the
5 purchase of wind energy to meet the
6 electricity needs of this building, City
7 Hall. The Order requires all new
8 construction and major renovation
9 projects affecting over 10,000 square
10 feet to be designed to meet, at a
11 minimum, the LEED's silver rating
12 category or, alternatively, to achieve a
13 20 percent reduction in energy use.

14 These actions we realize,
15 however, are not enough. We need to make
16 continuous advances in greening our
17 municipal operations and creating
18 meaningful and sustainable environmental
19 legislation that will achieve maximum
20 impact. We believe that local government
21 can and should act and lead by example in
22 preventing further archeological harm and
23 implementing, where feasible, greening
24 policies and legislations.

25 We're very much a green city

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 and probably one of the greenest cities
3 in this country.

4 I commend this Committee on the
5 introduction of all the bills being heard
6 today and support the intent of each. In
7 their present form, however, there are a
8 number of issues that need further
9 deliberation and examination, and this
10 Administration pledges to work with City
11 Council to work through these concerns.

12 The proposed bills could
13 increase operating expenses for several
14 City departments due to procurement
15 requirements, the cost of meals,
16 necessary increases in staffing and
17 additional regulatory enforcement. We
18 have just begun to evaluate the impact of
19 the bills on the City's operating
20 departments. Acting on our commitment to
21 advance the objectives of these bills, we
22 would like to work closely with Council's
23 Committee on the Environment to fashion
24 amendments that create legislation that
25 meet its environmental objectives without

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 creating unintended burdens or inequities
3 in the future.

4 In brief, I'd like to mention
5 some of those concerns.

6 Related to Bills 070672 and
7 070691, regarding the mandatory use of
8 recyclable bags and the use of recyclable
9 food service ware by the City and its
10 vendors, many departments raised a
11 concern regarding the lack of a citywide
12 composting program with capacity to
13 handle biodegradable materials.

14 One of the greatest benefits of
15 biodegradable products is that they
16 decompose or biodegrade. Biodegradable
17 and compostable materials do not
18 biodegrade in landfills because landfills
19 are designed to keep water out and
20 minimize anaerobic activity in order to
21 reduce landfill gas production. If
22 biodegradable materials decompose in a
23 landfill, the amount of landfill gas,
24 methane or a greenhouse gas, generated
25 would increase.

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2 If these products are put in a
3 landfill, the greatest benefit is,
4 therefore, defeated. Without access to
5 an appropriate disposal site, the intent
6 of the ordinance would not be realized.

7 This aspect is a market that
8 could be cultivated here, and we'd like
9 to recommend that our operating
10 departments work closely with Council and
11 the Commerce Department to ensure that we
12 move to these products and ensure that we
13 could then dispose of them in an
14 appropriate manner.

15 Additionally, the Procurement
16 Commissioner has expressed concern about
17 the potential difficulty in finding a
18 competitive pool of suppliers that could
19 provide the necessary material and food
20 service ware. Without adequate
21 competition, we run the risk of increased
22 costs in program areas using these
23 materials. We also want to be cognizant
24 of the potential burden on our vendors.
25 In both these areas, time for us to

1 10/24/07 - ENVIRONMENT - BILL 070671, ETC.

2 assess the marketplace would benefit all
3 affected parties.

4 With respect to Bill 070788,
5 the electric vehicle parking, the
6 installation of an electrical outlet at
7 the curb line has the potential to be a
8 life-safety hazard due to electrical
9 shocks, tripping hazards and sidewalk
10 obstruction. There's potential for the
11 abuse of electric outlets at curb lines
12 through non-licensed business activity.

13 On-street parking is scarce, as
14 folks know, and a much valued public
15 resource. Reserving on-street parking
16 spaces for private use should be done in
17 exceptional, limited cases. Currently,
18 on-street parking is reserved for people
19 with disabilities and for PhillyCarShare.
20 Enforcement of these reserved spaces has
21 been problematic. Reserving additional
22 on-street parking spaces for electric
23 cars has the potential to increase
24 enforcement problems.

25 Before passage, additional time

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2 should be allotted to consider these
3 issues, as well as the issues of
4 utilization, adequate safety features and
5 regulation.

6 In summary, the Administration
7 supports the goals and spirit of each
8 bill, as we are committed to working
9 toward making Philadelphia the next great
10 green city. For these and other future
11 green initiatives, the Administration
12 looks forward to working with Council's
13 Committee on the Environment to create
14 legislation that conserves and enhances
15 our natural resources.

16 I have with me today
17 representatives from a number of our
18 operating departments and the Commerce
19 Department, Licenses and Inspections,
20 Streets, the Water Department, Health, as
21 well as representatives from the Planning
22 Department. We would all be willing to
23 answer any questions you may have.

24 Thank you for the opportunity
25 to appear before you.

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2 COUNCILMAN KENNEY: Thank you
3 for your testimony.

4 I would comment that when it
5 comes to issues relative to environmental
6 changes, you always find a wealth of
7 reasons why we shouldn't do it, and it
8 usually comes down to cost and it comes
9 down to impracticality. I mean, it's
10 easy to find reasons not to do something,
11 and we're going to hear from a whole slew
12 of industry folks who are going to tell
13 us why this is all bad.

14 I would rather approach it from
15 another angle as opposed to trying to
16 write the absolutely perfect bill that
17 will conclude all of the issues that we
18 could possibly raise, is to try to work
19 it out as we go along. I mean, if we say
20 basically we're not going to require
21 biodegradable bags and Styrofoam until we
22 have a compost operation, we probably
23 aren't going to have it within the next
24 four, five years, I guess.

25 If we're going to say that

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2 somebody could trip over the electric
3 plug-in, we're better off finding a way
4 to keep it from being above the surface
5 of the curb as opposed to trying to worry
6 about that.

7 If we're worried about the
8 available on-street parking operations,
9 we ought to take a real review of all the
10 people who have handicapped signs in the
11 City, and I'm wondering how many actually
12 really deserve them, and also those
13 handicapped placards that people use as
14 if it's their private parking spot
15 themselves and are not disabled.

16 So I appreciate your testimony
17 and I would love to work with the
18 Administration on these things, but I
19 think that if we're going to wait until
20 we have the perfect situation, we're
21 probably never going to have the perfect
22 situation.

23 And one other comment relative
24 to the Styrofoam. The cost for the
25 operating departments should not be an

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2 issue, because if the cost of the
3 replacement biodegradable product is more
4 than ten percent, you don't have to use
5 it anyway. So I would suspect that if we
6 had this bill in place or had this law in
7 place now, that there would be an
8 industry movement on the biodegradable
9 material to get the price down below ten
10 percent of the styrene product.
11 Therefore, we would be creating an
12 incentive to make that happen. In the
13 mean time, if it's ten percent or more,
14 they don't have to use it anyway.

15 So I appreciate the testimony,
16 but I really would like to try to get
17 some things in place and then tweak them
18 as we go along as opposed to tweaking it
19 to death before we do it. So that's just
20 my comment.

21 Councilman DiCicco, did you
22 have your light on?

23 COUNCILMAN DiCICCO: No.

24 COUNCILMAN KENNEY: Would you
25 please identify yourself for the record.

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2 MS. EARLEY: Good morning,
3 Chairman Kenney and members of the
4 Committee on the Environment. For the
5 record, I am Denise Earley, Director of
6 Public Policy for the Greater
7 Philadelphia Chamber of Commerce.

8 First, I would like to thank
9 the sponsors of the bills. The Chamber
10 recognizes the intent of the bills before
11 you is to reduce litter and to clean up
12 the environment. The Chamber also
13 recognizes Councilmen Kenney and DiCicco,
14 sponsors of the bill, as staunch
15 supporters of the business community.
16 However, on behalf of the many affected
17 Chamber members who have contacted me
18 directly, the Chamber cannot support
19 Bills 070671, 070672 and 070691 in their
20 current form.

21 The primary concern is the
22 increase in costs associated with the use
23 of alternative materials. This increase
24 in cost would undoubtedly affect the
25 businesses' bottom line or would have to

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2 be passed on to the consumer.

3 I talked to a Chamber member
4 who was not in the food business and
5 asked for some comparison numbers on
6 plastic bag versus paper bags without
7 handles, and this is what I was told:
8 Plastic bags, 11-1/2 by 6 by 21 are 14.25
9 per thousand; 18 by 8 by 30 are 24.95 per
10 500; and 8 by 5 by 16 are 21.93 per
11 2,000. In comparison, paper, 17 by 4 by
12 24 is 47.68 per 500, and 8-1/2 by 16 is
13 38 per 1,000.

14 In every case, plastic is
15 substantially cheaper.

16 You will hear from experts in
17 the field today on biodegradable
18 products, fossil fuel usage, landfill
19 capacity and that cigarette butts,
20 chewing gum and candy wrappers account
21 for 90 percent of all litter. I am not
22 an expert in that field. I am merely
23 relaying a message on behalf of the
24 Greater Philadelphia Chamber of Commerce
25 membership.

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2 These bills, in concert with
3 other bills recently introduced, seem to
4 target the same businesses:
5 supermarkets, convenience stores and
6 chain restaurants. The Chamber would
7 prefer to see a recycling policy put in
8 place rather than a total ban on plastic
9 bags and polystyrene foam materials. We
10 also believe that the use of recyclable
11 canvas bags is a good idea, but it does
12 not work in all instances.

13 Personally speaking, if I do a
14 big food order, I would need 10 or 12
15 bags, and that could be very expensive,
16 and if it's anything like store coupons,
17 I never remember to bring them with me.

18 So, again, the Chamber thinks
19 the intent of the bills is good, but
20 firmly believes that recycling and
21 education programs is a more
22 business-friendly and practical route to
23 take.

24 Thank you for the opportunity.

25 COUNCILMAN KENNEY: Thank you

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2 very much.

3 I recognize the issue of cost,
4 and I don't think it's insignificant, but
5 there are certain issues where cost
6 should not be the determinative factor.
7 For example, if lead-based paint was
8 cheaper than acrylic paint, which
9 probably it was before lead-based paint
10 was banned, would you be arguing that we
11 should keep it because it's cheaper than
12 the acrylic paint? I don't think so.

13 So there are certain areas that
14 we need to kind of give a little bit on.
15 I mean, we recognize that some of those
16 costs are going to be passed on to the
17 consumer, but in the end, if their
18 environment is cleaner and their storm
19 water treatment plants are not having to
20 deal with all this stuff, why would we
21 not want to take on that a little bit? I
22 mean, we have to take a little bit to
23 help the bigger picture.

24 I'm sure that refining fuel to
25 the national standards of emissions costs

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2 more money than it is if we just pumped
3 it the way we did years ago. But those
4 things get changed and it is a cost that
5 gets passed on. But I do think in the
6 end, the entire effort is worth it just
7 beyond the paper bags versus the cost of
8 the plastic bags.

9 And the other issue, frankly,
10 for the stores is, not until these bills
11 were introduced did anybody talk about
12 recycling, did anyone talk about
13 educating their employees not to give me
14 a plastic bag when I buy a pack of gum.
15 I mean, people take those plastic bags in
16 the stores and act like they just give
17 them away no matter what you buy.

18 So there's no education effort
19 on the part of the retailers. There's no
20 recycling effort on the plastic bags on
21 the part of the retailers until like
22 today. I assume it's going to start. So
23 where's the environmental concern on
24 their part, not just the cost?

25 MS. EARLEY: Well, in my

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2 supermarket, which is outside of
3 Philadelphia anyway, but they've had
4 recycling for years.

5 COUNCILMAN KENNEY: Why are you
6 shopping outside Philly?

7 MS. EARLEY: Occasionally. Not
8 always. My Genuardi's has recycling and
9 they've had that for a while.

10 But I just want to say that the
11 Chamber is very willing to be any part of
12 a task force to address this issue and
13 work very closely with the Committee on
14 some alternate language or see what we
15 can do to address all parties.

16 COUNCILMAN KENNEY: Councilman
17 Rizzo.

18 COUNCILMAN RIZZO: Could I ask
19 the sponsor a question, Mr. Chairman?

20 COUNCILMAN KENNEY: Yes.

21 COUNCILMAN RIZZO: It's not
22 clear to me --

23 COUNCILMAN KENNEY: Plastic or
24 styrene?

25 COUNCILMAN RIZZO: Plastic.

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2 It's not clear to me on what
3 we're trying to accomplish here. If
4 you're trying to accomplish -- you
5 referred to our dirty city. If you go to
6 the drugstore and you buy an item and you
7 throw the plastic bag away, that's not a
8 good thing. Many people put their trash
9 out in plastic bags. Many people go to
10 the store and buy 13-gallon trash bags to
11 line their trash container that they put
12 their trash out in. So why would we be
13 concerned about plastic bags in a
14 drugstore or plastic bags that we get at
15 the supermarket if many people are going
16 to the supermarket and buying 30-gallon,
17 50-gallon trash bags that are made of the
18 same material? You're not going to
19 correct anything. You still have the
20 trash bags you put at the curb that are
21 going to the landfill.

22 COUNCILMAN DiCICCO: You're
23 absolutely right, and I agree that we
24 should do away even with trash bags.

25 There was a time I can remember

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2 before there were trash bags that people
3 put their trash in a trash can without a
4 liner. But it's all about marketing.

5 The chemical industry, the oil industry
6 decide to come up with a product that
7 would make people believe that it was
8 more convenient for them to put their
9 trash in a plastic-lined trash can,
10 take the bag out of the trash can and
11 take to the curb. I remember the day
12 when you just picked up the can that was
13 the same weight as the bag and moved it
14 to the curb.

15 It's all about marketing and
16 it's all driven by the chemical industry,
17 which is the oil industry. It's just
18 market management or product being sold
19 to the consumer.

20 Denise Earley says she
21 sometimes has 12 bags of groceries. I
22 remember before we had plastic bags that
23 people used a paper shopping bag, or my
24 mother had a bag that I think must have
25 been a hundred years old that was

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2 something like a canvas bag with a
3 leather exterior that was used time and
4 time and time again, year in and year
5 out.

6 There were nine people who
7 lived in my household, nine people, not
8 counting the people who would show up
9 every night, because my father was a
10 number writer and everybody came to pay
11 off their debts.

12 COUNCILMAN RIZZO: And my
13 father would be there a few hours later.

14 COUNCILMAN DiCICCO: My point
15 I'm making is, there were a lot of
16 people. And your dad may rest and my
17 father -- we understand that.

18 There were a lot of people who
19 were eating the food. There was a lot of
20 food. How did they get that product,
21 their food, from the grocery store to the
22 home? Well, it was much more
23 inconvenient in those days because you
24 had to either go in my neighborhood to
25 9th Street or to one of the local stores.

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2 Now with the big chain stores that
3 provide parking, people put their
4 groceries in a shopping cart, wheel it up
5 to the back of their car, pop the trunk,
6 throw the stuff in the trunk and drive it
7 home. They have to use their car again,
8 because the chains killed all the small
9 grocery stores off mostly in urban
10 America and the suburbs, who never had
11 neighborhood grocery stores. We go back
12 to the same issue again. It's all about
13 oil.

14 I mean, we're going to hear
15 about the cost, and I think that
16 Councilman Kenney eloquently talked about
17 the cost. What about the cost to our
18 environment? What about the cost to the
19 City, our city and other cities, in
20 removing, disposing of this trash? And I
21 believe, if I'm not mistaken, that the
22 Water Department, our Water Department,
23 has a boat that skims the Delaware River
24 somewhere around where the Schuylkill and
25 the Delaware meet just to take plastic

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2 products and plastic bags off our
3 waterway so it doesn't get into our
4 drinking water system or our filtration
5 system at the water treatment plant.

6 So there are other ways of
7 doing it, but we've all been programmed
8 to believe it is easier to put your trash
9 in a bag and carry it to the curb. I
10 would ask the consumer to calculate how
11 much it costs that consumer every year to
12 buy those plastic trash bags. No one
13 tells you about that cost that the
14 consumer is fronting. Up front they're
15 paying that. Because we watch television
16 and we're told every night, We're going
17 to make your life easier. And I don't
18 know if anyone has watched Anderson
19 Cooper this week -- I've caught it late
20 because I've been getting home late at
21 night -- about this planet being in
22 peril. And I opened my remarks and said
23 it wasn't all about the environment, but
24 it certainly is, and I think I qualified
25 that by saying that that's just as

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2 important.

3 We're going to hear from the
4 industry, the chemical industry, about
5 the cost. It's going to cost more to
6 produce this, because plastic -- you can
7 do a greater volume of plastic in a
8 tractor-trailer than you can paper.
9 Well, maybe we have to convince people
10 not to use either, start using reusable
11 bags. And the industry may not like that
12 because it's going to cut into their
13 profits.

14 COUNCILMAN RIZZO: Councilman,
15 when I was a kid, I had the job at the
16 Penn Fruit putting the groceries in boxes
17 for the customer. So I know what you're
18 talking about.

19 COUNCILMAN DiCICCO:
20 Councilman, there were people who sold in
21 Center City when you went to the
22 department stores, they offered you a
23 bag, and if you needed an extra bag,
24 there were people who sold you a bag for
25 two cents or a nickel. I mean, they're

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2 making it sound like if plastic goes
3 away, we're not going to be able to carry
4 our products home from a store any
5 longer, that everything is just going to
6 fall apart.

7 It's an argument that they're
8 going to continue to make, and I
9 understand it, because they represent the
10 chemical companies, which are really
11 owned by the oil industry, and that's
12 what they have to do. But no one is
13 going to tell me that --

14 COUNCILMAN RIZZO:

15 Councilman --

16 COUNCILMAN DiCICCO: We can
17 start protecting our communities by
18 removing this blight, these trash issues,
19 that we'll be a better place in the long
20 run.

21 COUNCILMAN RIZZO: Councilman,
22 you referred to the City and its
23 cleanliness. One of my observations
24 throughout my years is the fact that when
25 people put their trash out in plastic

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2 bags, that as a result of that, dogs,
3 animals, raccoons get into that trash and
4 it gets spread all over. I asked the
5 Streets Department for many years to look
6 at other communities that have a
7 requirement for a rigid container with a
8 lid to be put at the curb, and I was told
9 by the Streets Department that they don't
10 want to do that, they encourage the
11 plastic bags because the sanitation
12 workers can move quickly and just throw
13 them in the back of the truck, that
14 people have no place to store a trash can
15 and they don't want to be bothered
16 bringing them back in, it's convenient
17 for them to put it out.

18 I would love us to move and
19 have a requirement to have a rigid
20 container requirement, because in Center
21 City --

22 COUNCILMAN DiCICCO:

23 Councilman --

24 COUNCILMAN RIZZO: -- when I
25 see the trash out --

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2 COUNCILMAN DiCICCO: Could I
3 interrupt you?

4 COUNCILMAN RIZZO: Sure.

5 COUNCILMAN DiCICCO: We have an
6 ordinance. I think it was Councilman
7 Mariano, if I'm not mistaken, that
8 introduced it, and that bill was passed.
9 Technically, in the City of Philadelphia,
10 you're not allowed to leave your trash
11 out in a bag. It has to be in a
12 container with a lid. We're just not
13 enforcing that.

14 COUNCILMAN RIZZO: Well, if
15 that's in there, then the Streets
16 Department should start to move forward
17 in that area, because --

18 COUNCILMAN DiCICCO: We have
19 been delinquent in enforcing that.

20 COUNCILMAN RIZZO: I'm
21 convinced that part of the cleanliness
22 issue is what I described, a dog going in
23 to get garbage that's now commingled with
24 the trash, all other animals, and it's
25 all over the street. A rainy day trash

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2 is put out early.

3 COUNCILMAN DiCICCO: I agree.

4 COUNCILMAN RIZZO: So if that's
5 the law, then I think the Managing
6 Director should comment on that.

7 COUNCILMAN KENNEY: Councilman
8 Clarke.

9 I'm sorry. Did you have a
10 comment?

11 COUNCILMAN RIZZO: I'd like her
12 to answer the question, please, about
13 there's allegedly a law that requires a
14 trash container rather than just putting
15 trash out in a bag.

16 MS. JONES: The City of
17 Philadelphia is very flexible in what it
18 allows people to put out in trash, in the
19 way that we allow people to put their
20 trash out, and we've historically been
21 that way. Part of, though, the issue
22 really to -- I appreciate both of your
23 points, Councilmen. I think we have a
24 number of issues that are leading to
25 litter. Part of it is how people put

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2 their trash out. We've made efforts
3 through using SWEEP officers,
4 enforcement, working through block
5 captains, notifying people of ways to put
6 out trash that make it easier in fact for
7 sanitation workers to pick it up, but
8 also make it easier so that it's less
9 dirty, less likely for bags to rip and
10 all of that.

11 The other issue, frankly,
12 related to the City and its conditions is
13 that we do have a number of people who
14 either live or visit the City that think
15 it's okay to litter, and that's a
16 challenge that we're addressing around
17 the City. I was just here yesterday
18 talking about short dumping, and there's
19 a proposal to have an incentive program,
20 really a reward program, to encourage
21 folks to turn in people that are
22 illegally dumping in our City.

23 So there are a number of issues
24 that we're trying to address in a variety
25 of ways. As I mentioned yesterday, we're

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2 in the midst of a citywide clean-up where
3 we're doing hand cleaning block by block
4 on folks' trash days to address some of
5 the litter. But we definitely have an
6 issue that may be as much related to
7 people's behavior as it is to the types
8 of materials people are using.

9 COUNCILMAN KENNEY: Councilman
10 Clarke.

11 COUNCILMAN CLARKE: Thank you,
12 Mr. Chairman.

13 If I may, it may not
14 necessarily be a question, but I guess it
15 will end up being a question. This whole
16 issue with respect to the environmental
17 concerns of trash bags, plastic bags and
18 all, they're valid points on both ends,
19 and I hear Councilman Rizzo brought up a
20 valid point about the trash bags, and
21 Councilman DiCicco parried and thrust,
22 but at the end of the day, from my
23 perspective, in a significant portion of
24 my district the issue centers around
25 trash, the little plastic bags coming out

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2 of the corner stores and the Rite Aids
3 and all of the other stores in the
4 neighborhood. And I understand that this
5 is really conduct that is unbecoming of
6 the individuals who do it, but the bottom
7 line is, they come out, they take out
8 their product and throw the trash bag,
9 and it flies all over the neighborhood
10 and gets caught in the fence, along the
11 edge of the fence and it just gets
12 captured everywhere. And that's the
13 biggest concern as it relates to these
14 little trash bags -- I'm sorry; these
15 little bags as it relates to the
16 conditions in a lot of these communities.

17 What would the Chamber or the
18 City suggest in lieu of eliminating those
19 bags to get rid of those bags and that
20 refuse in our communities?

21 MS. EARLEY: If I could ask the
22 sponsor of the bill --

23 COUNCILMAN CLARKE: I mean, and
24 please don't tell me education, because
25 we've been trying to educate people for a

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2 while. People are just not getting it.

3 You know what I mean? I heard it earlier
4 today, the education thing.

5 MS. EARLEY: I said recycling
6 and education.

7 COUNCILMAN CLARKE: It's not
8 working.

9 MS. EARLEY: First of all, let
10 me ask the sponsor.

11 Does it affect the small
12 mop-and-pop corner stores, or, no, it
13 doesn't?

14 COUNCILMAN CLARKE: Well, it
15 should.

16 MS. EARLEY: Well, they're not
17 affected by the bill.

18 COUNCILMAN DiCICCO: It does
19 not, but I would like for it to -- this
20 is a start. This would be a start. And
21 I'll get into the cost factor a little
22 bit more as this testimony goes. If
23 people want to save money, they should be
24 encouraging their customers to use
25 reusable bags. And if people started

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2 using them, we wouldn't be having this
3 issue and there would be no cost to the
4 businesses of having to purchase bags.

5 COUNCILMAN CLARKE: You were
6 going to say? Oh, you were just going to
7 say that it didn't --

8 MS. EARLEY: I didn't think it
9 applied to the small stores that you were
10 referring to, Councilman.

11 COUNCILMAN CLARKE: The
12 original version. But one of the bigger
13 issues I have is really those small
14 stores throughout the neighborhood.

15 COUNCILMAN DiCICCO: I'm more
16 than happy to --

17 COUNCILMAN CLARKE: Oh,
18 absolutely.

19 MS. EARLEY: Again, I think I
20 mentioned earlier in my testimony the
21 Chamber is very willing to work with the
22 Committee on any task force or any type
23 of education or recycling program that
24 would help the issue along.

25 COUNCILMAN CLARKE: Well, let

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2 me ask you this, and I have to be careful
3 how I phrase this: There's a cost
4 associated with the removal of trash
5 refuse. I know the City right now is
6 working on a citywide program. I
7 actually saw some people out with the
8 blowers blowing trash off the sidewalks,
9 and it looks nice for now, but that's
10 probably something that should be
11 ongoing, but at the end of the day, the
12 City can't afford to do that.

13 Is there a way -- and I know
14 you're not going to be able to answer the
15 question today -- that the Chamber and
16 its members and its non-members could
17 support initiatives that would help clean
18 up, at a minimum, the commercial
19 corridors? Because that's the biggest
20 part in my district where you have these
21 trash bags all over the place. Right now
22 we wanted to introduce some special
23 services districts in parts of --

24 MS. EARLEY: That's what I was
25 going to say.

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2 COUNCILMAN CLARKE: -- parts of
3 North Philadelphia, but when you do the
4 assessments, the numbers just aren't
5 there to support a tax-driven special
6 service district.

7 MS. EARLEY: Right.

8 COUNCILMAN CLARKE: Would the
9 Chamber be supportive of a project that
10 created an environment where we could,
11 through its members and other entities,
12 raise the necessary resources to have
13 these types of special services districts
14 throughout the City of Philadelphia --

15 MS. EARLEY: Well, Councilman,
16 you're correct --

17 COUNCILMAN CLARKE: -- while we
18 do the education thing?

19 MS. EARLEY: Well, I can't
20 commit for the Chamber at this moment.
21 We'd be very happy to consider it and
22 work with your office.

23 COUNCILMAN CLARKE: Okay. All
24 right.

25 Councilman, I'm probably going

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2 to want to introduce an amendment to
3 incorporate the smaller stores, because
4 that is really a problem.

5 COUNCILMAN DiCICCO: Councilman
6 Kenney, if I may. I know the panel has
7 their lights on. I just want to cite one
8 example. When you talk about cost, that
9 the big chains are complaining that this
10 is going to cost them, the day I did an
11 interview with the South Philadelphia
12 Review about this issue a couple of weeks
13 ago, I pulled off to the side. I was
14 parked next to the curb doing the
15 interview from my car, and there was a
16 gentleman who was coming out of the --
17 came out of the Acme Market at 10th and
18 Reed in South Philadelphia. In each hand
19 he had a plastic bag with groceries. The
20 groceries were in a paper bag that was
21 then placed in the plastic bag.

22 So as Councilman Kenney said, I
23 guess the educational process is
24 beginning now, but you talk about cost?
25 They could have very easily had given

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2 that gentleman a paper bag with handles,
3 but there's no reason for that to happen
4 because they choose this is more
5 convenient, allegedly more convenient,
6 for people to have plastic. There are
7 other alternatives. But I thought it was
8 quite ridiculous when you make the
9 argument about cost. And that happens in
10 most supermarkets where the paper gets
11 put in a plastic bag.

12 COUNCILMAN KENNEY:

13 Councilmember Brown.

14 COUNCILWOMAN BROWN: Thank you,
15 Mr. Chairman.

16 The reality is, going green is
17 the future, and I can assure you that
18 more and more bills are going to come out
19 of this Council, a number of which have
20 been introduced already, that deal with
21 sustainability on a number of different
22 fronts. So I need to underscore
23 Councilman Frank DiCicco's comment in
24 that we need to start somewhere, and if
25 starting somewhere means getting rid of

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2 the small trash -- you can't even call
3 them trash bags. The small plastic bags
4 that we get from Wawa and other
5 establishments, we have to start
6 somewhere. So that is to Councilman
7 Rizzo's question. We do have the large
8 trash bags that we have to deal with, but
9 we have to get to that, and starting with
10 the smaller bags at least addresses this
11 issue of trash in our neighborhoods.
12 That's number one.

13 Number two, education costs.
14 So talking about being a part of a
15 steering committee that comes up with
16 whatever the goals are is one thing.
17 Ultimately to carry out any kind of
18 education, information, anything, it
19 costs money.

20 So then the bigger question
21 is -- and something I'm broaching the
22 Chamber with now for you to get back to
23 us later -- is what is the level of
24 commitment that the Chamber is willing to
25 make with regards to whatever education

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2 initiative comes out of this Council.

3 You should be advised that I've

4 introduced a resolution calling on the

5 Energy Conservation Office to work with

6 us in having some broad discussion about

7 a very formal education campaign around

8 this whole issue of recycling and all

9 that that means.

10 So you say you're willing to

11 work with the sponsor of the bill to come

12 up with language. That's one

13 clarification, correct, Ms. Earley?

14 MS. EARLEY: To work -- yes.

15 COUNCILWOMAN BROWN: And then

16 the subsequent question becomes -- and

17 it's a rhetorical question for now -- how

18 do we translate real commitment and

19 partnership in wanting to get the

20 education message out, that ultimately

21 it's going to cost money and that too

22 will require shared financial resources.

23 MS. EARLEY: If I may.

24 COUNCILWOMAN BROWN: Please.

25 MS. EARLEY: Several of our

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2 members already have education programs
3 in place, and I think -- at least I was
4 told by Wal-Mart that they sent a letter
5 to all Council offices describing their
6 recycling plans and their education plans
7 already in place. There are several
8 other members that already have education
9 programs in place, and I'd be happy to
10 share that with you.

11 COUNCILWOMAN BROWN: I would
12 certainly welcome that. What I am
13 suggesting, however, is a comprehensive
14 strategic plan by the Chamber on what it
15 wants to do or plans to do or has an
16 interest in Philadelphia going green from
17 a commerce standpoint.

18 So I again put that on the
19 table, because individual spot kind of
20 conscientious business retailers doing
21 that is a good thing. It's a great thing
22 when there's a comprehensive strategic
23 effort towards Philadelphia going green.

24 MS. EARLEY: Yes.

25 COUNCILWOMAN BROWN: Thank you,

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2 Mr. Chairman.

3 COUNCILMAN KENNEY: Councilman
4 Rizzo.

5 COUNCILMAN RIZZO: I think the
6 business community has been pretty good
7 about this. I was recently shopping in a
8 supermarket and the paper bags were
9 there, and the woman ahead of me said,
10 I'd like to have a paper bag, and the
11 person bagging provided a paper bag.

12 I would like to see -- maybe
13 the Chamber can help with this. I
14 recently went to a fast-food place to
15 pick up a cup of coffee and the container
16 for the four coffees was cardboard. It
17 was appropriate. When the people were
18 receiving their orders, they were put in
19 paper bags. I think McDonald's uses a
20 white paper bag.

21 So I'd like to see us ask for
22 cooperation and try to get as many people
23 to offer an alternative. And I think
24 many people that have been in a
25 supermarket know if you ask for a paper

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2 bag, I think they provide it, because
3 they're sensitive to the people that are
4 concerned about this particular issue.

5 So I think the Chamber could be
6 very helpful in encouraging the major
7 chains to provide as an alternative a
8 paper bag or possibly even switch without
9 the need for a law. It just seems as
10 though --

11 MS. EARLEY: Thank you,
12 Councilman.

13 COUNCILMAN RIZZ0: -- there's a
14 first step here, to see if we can get
15 some voluntary cooperation. And my own
16 personal observation is that paper is
17 generally used. Again, I saw -- the
18 paper bag with the McDonald logo was
19 paper, not plastic.

20 MS. EARLEY: Well, thank you
21 for your observation. There are members
22 of the community here from supermarkets
23 and different things that will be
24 testifying.

25 COUNCILMAN RIZZ0: Thank you.

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2 MS. EARLEY: And convenience
3 stores.

4 COUNCILMAN KENNEY: Thank you
5 very much.

6 Ms. Jones has to leave. Are
7 there any questions for her?

8 (No response.)

9 COUNCILMAN KENNEY: Thank you
10 very much for coming.

11 MS. JONES: I did want to just
12 reiterate that the Administration is
13 supportive of these efforts and we're
14 looking forward to having the opportunity
15 to work with folks on it, and I think
16 that we can do that simultaneously,
17 working through some of those concerns
18 that we have in how we administer it, how
19 we would implement this, how we
20 identified the areas for the materials.
21 And so, again, we're supportive of this
22 and appreciate your leadership on this.

23 COUNCILMAN KENNEY: Thank you
24 very much for your testimony.

25 Any other questions for

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2 Ms. Earley?

3 (No response.)

4 COUNCILMAN KENNEY: Thank you
5 very much for your testimony.

6 MS. EARLEY: Thank you,
7 Chairman.

8 COUNCILMAN KENNEY: Mr. Rich
9 Savner, Rich McMenamin, Rocco D'Antonio
10 and Andrew Wilson, please.

11 Also, I want to explain the
12 format of the hearing panels. The next
13 three panels -- or four panels will
14 probably all be against the bill in some
15 form or another, the two bills, and I'm
16 waiting for the last panel, which is the
17 people who are supporting the bill, to
18 hear all of the issues that are being
19 raised by the opponents so they can have
20 discussion surrounding what the opponents
21 have put forth.

22 So thank you for coming.
23 Please identify yourself for the record.

24 MR. SAVNER: Yes. Good
25 morning. My name is Rich Savner from

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2 Pathmark Stores. I'm the Director of
3 Public Affairs. We're headquartered in
4 Carteret, New Jersey. Good morning to
5 Mr. Committee Chairman, as well as other
6 members of the Committee, and thank you
7 for giving me the opportunity to present
8 testimony on behalf of Pathmark regarding
9 Bill No. 070691.

10 As a company that considers
11 itself part of the community where we
12 operate supermarkets, Pathmark, we do
13 recognize our responsibility to support
14 common sense environmental issues that
15 help sustain neighborhoods. For over 15
16 years, we've offered a two-cent rebate
17 program to customers in all our stores
18 throughout the four states we operate in
19 who bring back bags or any other form of
20 a receptacle to bag their groceries in.
21 Last November, we did introduce in our
22 company the sale of reusable canvas bags,
23 and as of to date, we've sold probably
24 about a hundred thousand of those bags.
25 Just for the record also, we do have

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2 eight stores within the City limits of
3 Philadelphia, as well as several others
4 just outside of the City limits.

5 We do these recycling efforts
6 because we recognize it is our
7 responsibility to help the environment
8 and we want to be green, as the common
9 term is nowadays, but also because it
10 makes good business sense. And in an
11 industry that operates on the slim profit
12 margins that we do, we're always looking
13 for ways to improve efficiencies.

14 In a moment, I'll introduce a
15 new business partner that Pathmark has
16 collaborated with from Penn Jersey Paper
17 on a new program that we are instituting.
18 And it is commendable that the City wants
19 to improve recycling and the environment.
20 We don't believe that this bill, in its
21 current form, is practical, and it is
22 expensive regardless of everybody's issue
23 on it. It would potentially be an
24 expensive cost to the supermarket
25 companies.

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2 I'm sure that the goal of the
3 Committee, though, is to work towards a
4 viable and cost-effective method for
5 reducing plastic waste in Philadelphia,
6 and I believe that many members in the
7 business community do support that
8 effort, as well as Pathmark does. So we
9 would be looking to cooperate and work
10 with the City on a practical solution.

11 While Mr. D'Antonio will spell
12 out the specifics of the program that
13 we've partnered with him -- it's called
14 Bag Smart -- I'd like to say that
15 Pathmark is introducing a program,
16 piloting it in its stores in Philadelphia
17 and five sister stores just outside of
18 the City, because we believe it is a way
19 towards recycling plastics. And our
20 expectation is that we will roll out this
21 program to all 140 of our stores
22 throughout the four states we do operate
23 in.

24 One detail of the program that
25 I'd like to share with you, as I've

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2 listened to everyone testify so far and
3 comments that have been made, is that the
4 effort to recycling goes beyond just
5 putting the barrels at our stores to take
6 back plastics and to put in-store
7 signwork and let people know what our
8 programs are, but I also think that it's
9 important that we do market the program
10 to the consumer, as well as to our own
11 associates. We can do better. Pathmark
12 can do better, and I think that's
13 evidenced by what I have just announced
14 to you folks, that we will pilot this
15 program. We can do better. We challenge
16 ourselves to do better. But it's a
17 partnership that we need to have with not
18 only the City government but with our
19 customers and challenge ourselves to do
20 better.

21 We have to change people's
22 attitudes about recycling and make them
23 more aware of the benefits, but mandating
24 the use, we don't believe, of compostable
25 bags is going to achieve the goal of

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2 reducing plastic waste. But we do
3 believe that the program that we're
4 initiating with Penn Jersey Paper is
5 practical and a workable solution at
6 achieving that goal.

7 And so without further adieu,
8 I'd like to introduce my colleague now,
9 Rocco D'Antonio, from Penn Jersey Paper.

10 COUNCILMAN KENNEY: Thank you
11 very much.

12 Please proceed.

13 MR. D'ANTONIO: Good morning.

14 My name is Rocco D'Antonio. I'm the
15 Business Development Manager for Penn
16 Jersey Paper. Thank you to the
17 Councilmembers for letting me give my
18 testimony today.

19 As a distributor of packaging
20 products to the supermarket industry in
21 Philadelphia for over 43 years, we are
22 always looking for ways to reduce
23 packaging and offer greener alternatives
24 wherever practical for our customers. As
25 I have personal responsibility for

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2 checkout bags in the supermarket, I can
3 tell you that the focus is and always has
4 been on the reduction in both units and
5 cost and product quality. And although
6 we agree with the environmental issues
7 raised by the City Council, we have
8 concerns that passing this bill may cause
9 many unintended side-effects as follows:
10 Paper bags, for example, there are cost
11 duplications both to the retailer and
12 both to the distribution portion of
13 supplying paper bags. Paper bags cost
14 approximately three to five times more
15 than plastic bags. This results in a
16 substantial increase in operating costs
17 for our supermarket customers.

18 Also, I should tell you that
19 promoting paper bags today will create a
20 substantial supply and demand imbalance,
21 resulting in even higher costs not only
22 for the supermarkets but for every retail
23 establishment using paper bags, no matter
24 what it may be.

25 As a distributor, freight and

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2 warehousing issues are paramount to us.

3 As you alluded to earlier, it does take

4 substantial more quantity of trucks to

5 handle paper bags. In fact, it will take

6 seven to ten times more trucks of paper

7 bags to distribute the same quantity as

8 one trailer of plastic bags. In essence,

9 that means it will require us to have a

10 tenfold increase in trucking, fuel,

11 exhaust emissions, labor, warehousing,

12 storage, insurance, utilities and other

13 associated costs.

14 You also alluded to convenience

15 of the City traffic. Convenience with

16 paper bags is issue. Most traffic in the

17 City of Philadelphia is walking traffic.

18 Many people want a bag with handles, and

19 although there are paper handle bags that

20 you had mentioned, paper handle bags are

21 not as relatively available as

22 conventional paper bags or plastic bags,

23 and they can cost five to eight times

24 more than a standard plastic bag.

25 When looking at the compostable

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2 bag options, I thought it was prudent to
3 reach out to our manufacturers to find
4 out exactly where they stand on
5 compostable bags. I contacted several of
6 the manufacturers that we deal with who
7 are some of the most highly respected
8 manufacturers in the country and the
9 major suppliers to the supermarket
10 industry in the Philadelphia area. What
11 I found was, number one, regarding
12 availability, I was told that compostable
13 bags may be available. And the reason
14 why they may be available is they are
15 still in the test phase and are unproven
16 in any long-term studies.

17 I was also advised that raw
18 materials aren't available in any large
19 volume and their availability may be
20 uncertain. And to give you a perfect
21 example, we supply compostable packaging
22 to some of our customers. Many of our
23 vendors who were promoting compostable
24 packaging withdrew or delayed their
25 product offerings because they were

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2 unable to get raw materials.

3 I was advised that there are
4 manufacturing issues. Number one, it
5 takes two to three times more material to
6 produce a compostable bag than a regular
7 plastic bag to achieve the same strength.
8 This gets back into the same issue of
9 freight, transportation, warehousing and
10 all the additional costs.

11 One of the most important
12 issues to me were liability issues. I
13 was told that since compostable bags are
14 still in the test phase and there is
15 uncertainty relating to their performance
16 and quality, that we were advised that if
17 we were to request these for our
18 customers or if our customers were to
19 request compostable bags, they would come
20 with disclaimers and possible hold
21 harmless agreements to shield the
22 manufacturers from liability since the
23 products are too new and still unproven.

24 I was also told that there are
25 shelf life issues. I specifically asked

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2 what assurances can they give us on the
3 product stability in warehousing. I was
4 told that they just didn't know, that if
5 we had this in our warehouse, we don't
6 know what's going to happen. So as a
7 distributor holding millions of dollars
8 in inventory in our warehouse and having
9 a product that can be potentially
10 unsalable, that is a major liability for
11 a Philadelphia-based distributor of
12 supermarket packaging.

13 I'm also very concerned about
14 offering compostable bags when there is
15 no composting infrastructure available,
16 and I'm concerned that compostable bags
17 not being recyclable can contaminate
18 existing recycling programs. And we are
19 a recycler of plastic bags today, Penn
20 Jersey Paper is.

21 Cost, again, more expensive
22 than paper bags. The cost duplications
23 are huge for the distributors. They're
24 huge for the supermarket industry in
25 general.

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2 Given all this, we believe
3 there is a far better way of addressing
4 the issues. We are in favor of a
5 comprehensive plastic bag reduction and
6 recycling initiative. Penn Jersey Paper
7 is in the process of rolling out this
8 initiative. It's called our Bag Smart
9 program, and it's designed to do several
10 things. Number one is to reduce the
11 number of bags used in the supermarket
12 industry. And I can tell you every
13 supermarket operator wants to do that and
14 has been trying to do that and will
15 continue to try to do that.

16 In addition to that, we want to
17 encourage the use of reusable bags, not
18 just in selling them in the stores but in
19 encouraging the consumers to actually
20 reuse them more and more. And, again,
21 that goes back to education. I think the
22 timing is right for that.

23 We are also aggressively
24 getting involved in recycling. We are in
25 the process of deploying recycling bins

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2 to all Philadelphia area supermarkets
3 that are participating with us. We will
4 be collecting the bags on a weekly basis,
5 and in addition, while we're at the
6 store, we're going to be grabbing a lot
7 of other plastic waste from the back
8 room. All the pallets that come in
9 stretch wrapped, we will be grabbing that
10 plastic waste. All the case goods that
11 come in with shrink wrap, the clear
12 plastic wrap that holds the product
13 together, we'll be taking that material
14 as well. That's product that's generally
15 destined for the trash, for the landfill.
16 We'll be grabbing all of that product.
17 And we're doing it in a way that I think
18 is very creative. We're not just
19 collecting it with our trucks, which we
20 think is a problem. We've employed
21 Goodwill Industries to go to the stores
22 and pick up all this plastic waste. It
23 creates jobs in the community and it's
24 very newsworthy and it's a feel-good
25 thing for the consumer to get involved

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2 in.

3 We're taking that plastic and
4 we're selling it off to Trex Lumber to
5 make composite plastic lumber. Again,
6 it's something that the consumers can go
7 buy in their local Home Depot or Lowe's.
8 Again, it's a feel-good thing. People
9 know what's going to happen with the
10 product.

11 We feel that these initiatives
12 will ultimately reduce the bags used in
13 the supermarket industry significantly.
14 We're pulling plastic out of the waste
15 stream from the back end of the store.
16 We're going to recycle a specific number
17 of plastic bags coming back to the
18 supermarket industry. And when we're
19 said and done, we're going to save money
20 and we're going to have a cleaner
21 Philadelphia.

22 We're involved with the
23 Pennsylvania Food Merchants Association
24 and their members, the New Jersey Food
25 Council and their members. Many

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2 retailers in Philadelphia have already
3 signed up on our program. Pathmark was
4 one of the first ones to step forward and
5 said, This makes sense, we should do
6 this. In fact, just recently, yesterday
7 afternoon, for example, the Reading
8 Terminal Market told us they are very
9 interested in getting involved in this
10 program as part of their overall
11 recycling efforts.

12 So we think it's good for the
13 City of Philadelphia and we think it
14 makes more sense than just starting to
15 ban products and impose new products on
16 our supermarket customers that aren't
17 commercially viable at this time.

18 I appreciate the opportunity to
19 talk before you and I hope that some of
20 these alternatives will make sense and
21 you'll consider them as possible
22 alternatives to your current bill.

23 COUNCILMAN KENNEY: Thank you.

24 Councilman DiCicco, your light
25 is on.

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2 COUNCILMAN DiCICCO: Thank you.

3 Thank you.

4 D'Antonio?

5 MR. D'ANTONIO: Yes.

6 COUNCILMAN DiCICCO: I don't
7 know if you're qualified to answer this
8 question. You talk about recycling.
9 Tell me about recycling. How does that
10 happen? What is the process for
11 recycling plastic?

12 MR. D'ANTONIO: Well, if we're
13 talking about plastic bags, number one,
14 it's about having the bins and the
15 infrastructure to handle receiving
16 plastic bags at the store. That's number
17 one.

18 Number two, it's the store's
19 commitment to manage those bins and store
20 the product in the back room for us.

21 Three, it's about our ability
22 to go to every store every week with
23 Goodwill Industries that we're funding
24 and pick up those bags and bring them
25 back to a processing facility that Penn

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2 Jersey Paper has set up.

3 We go through all the plastic.

4 We remove any contaminants. We have a
5 special bailor that we purchased to bail
6 up the plastic, and we store all this and
7 we ship it off to Trex to make plastic
8 lumber.

9 COUNCILMAN DiCICCO: Tell me
10 about the recycling process. You said
11 you go through it, you remove the
12 contaminants. What is it? Is it burned
13 off? What's recycling? How do you
14 recycle it?

15 MR. D'ANTONIO: Well, number
16 one, our bins in our program were
17 designed based on research from other
18 recycling programs, and we feel that our
19 bin design and our signage is, number
20 one, going to reduce contaminants in that
21 bin.

22 COUNCILMAN DiCICCO: I
23 understand, because I recycle plastic
24 bags. Supermarkets have a bin when you
25 go in or at the exit, whatever. When you

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2 get that product back to your factory or
3 whatever, what happens to that plastic
4 bag?

5 MR. D'ANTONIO: We go through
6 the plastic to remove -- maybe there's a
7 bottle in there, maybe there's some paper
8 waste in there. That product is removed.
9 The balance of the product is bailed in
10 1,200 pound bails roughly and it's
11 shipped to Trex's facility in Winchester,
12 Virginia.

13 COUNCILMAN DiCICCO: And what
14 happens when it gets to that facility?

15 MR. D'ANTONIO: That's a
16 question for Trex.

17 COUNCILMAN DiCICCO: Pardon me?

18 MR. D'ANTONIO: That's a
19 question for Trex.

20 COUNCILMAN KENNEY: Trex is
21 here. Trex is going to testify.

22 COUNCILMAN DiCICCO: Oh, okay.

23 So you spoke earlier in your
24 testimony, if I recall correctly, about
25 the cost involved. Paper costs more than

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2 plastic. The volume, you have to do more
3 shipping, the larger volume of the truck
4 for paper as opposed to plastic. But now
5 you want to do a recycling program that
6 says when the plastic is delivered via
7 truck in most cases, I would assume, to
8 the stores that are using these bags,
9 you're going to now send a truck out to
10 pick up the recycled material and bring
11 it to your facility. It will be then
12 cleaned up of any contaminants, put in a
13 12-ton or something bail, now put in a
14 truck and shipped to another state.

15 Isn't the fuel that we're using
16 to move this recyclable product from one
17 location to another -- I mean, I don't
18 have the numbers, but it sounds almost as
19 you're probably using as much fuel to
20 move this product, continually move the
21 same product around, as you would if you
22 had originally used the paper, which
23 takes them maybe two trucks as opposed to
24 one truck. I mean, you got -- no matter
25 what you do, it's going to cost you a lot

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2 of money in fuel and more energy. I
3 mean, there's more energy being used.
4 And I'm being told -- I've been told that
5 the plastic bag, the process for
6 recycling is to burn it off.

7 MR. D'ANTONIO: Well, Trex will
8 answer that part, but regarding your
9 freight issues, the first thing I said
10 is, our primary goal is reduction. We
11 want to sell our customers less bags. We
12 want to reduce the number of bags used in
13 supermarkets, number one.

14 Number two, regarding the
15 freight, the freight issue, it probably
16 takes the same amount of freight to ship
17 it to a landfill and it probably is
18 significantly less trucks to move the
19 recycled plastic than the tenfold
20 increase in trucks to move paper.

21 COUNCILMAN DiCICCO: To a
22 landfill?

23 MR. D'ANTONIO: Well, even if
24 we're shipping ten trailers of paper
25 bags, it's going to be less

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2 transportation on recycling than it is to
3 ship paper bags.

4 COUNCILMAN DiCICCO: I don't
5 know. I think it's close, but...

6 COUNCILMAN KENNEY: Councilman
7 Rizzo.

8 COUNCILMAN RIZZO: This is to
9 the supermarket industry. Another
10 material that I see a lot of blown around
11 the street when the plastic bags break
12 open on trash day, when you display your
13 merchandise, apples or fish or meat, you
14 use these little plastic Styrofoam trays,
15 I believe. Is there an alternative to
16 those? Because aren't they a disposal
17 problem when the consumer brings them
18 home? You know what I'm talking about?
19 The little trays where then the plastic
20 is shrunk wrap around the dozen or eight
21 apples or six apples.

22 MR. SAVNER: I think I know
23 what you're talking about, but I don't
24 know that we do that in our stores any
25 longer, Councilman, I mean, actually

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2 there's a plastic bag that people put
3 their apples or oranges in.

4 COUNCILMAN KENNEY: I think
5 he's talking about if you're going to buy
6 sirloin steak out of the butcher section,
7 the meat section, it's going to be in a
8 Styrofoam crate covered with --

9 MR. SAVNER: Styrofoam plate.

10 COUNCILMAN KENNEY: Right. But
11 actually there are alternatives that are
12 degradable to the Styrofoam. But that's
13 a Styrofoam issue, not a plastic bag
14 issue. That's the other bill.

15 COUNCILMAN RIZZO: But the
16 plastic --

17 COUNCILMAN KENNEY: Well, yeah.

18 COUNCILMAN RIZZO: There's
19 still plastic around the product.

20 COUNCILMAN KENNEY: Right.

21 MR. SAVNER: I would just make
22 the general statement that if there's a
23 more efficient way to do it, we're
24 interested, obviously.

25 COUNCILMAN RIZZO: More

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2 efficient or cheaper?

3 MR. SAVNER: Both. I think
4 it's both.

5 COUNCILMAN RIZZO: I think you
6 guys have gone that direction because
7 it's probably cheap.

8 MR. SAVNER: Well, in New York
9 City, they used to have that clear tray
10 for the meats that you're describing,
11 because the thought was that the consumer
12 needed to see the other side of the
13 package, and finally they rescinded that
14 ordinance, but it was very much so costly
15 and was not an issue to the consumer that
16 there was much benefit, which I think was
17 in the mind set of the Council in New
18 York City.

19 COUNCILMAN RIZZO: But my point
20 again, there is an issue that you hear
21 today here that possibly you could come
22 up with an alternative to reduce the
23 number of those Styrofoam and plastic
24 trays or plastic wrappings. And I don't
25 know how you're going to get around that.

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2 People need to see what they're buying,
3 but...

4 MR. SAVNER: I do agree with
5 you. If there's a better way of doing
6 it, we're certainly interested, as we are
7 doing with Rocco's Bag Smart program.
8 Absolutely, Councilman. Yes, sir.

9 COUNCILMAN RIZZO: Thanks.

10 Thank you, Mr. Chairman.

11 COUNCILMAN KENNEY: Thank you.

12 Whoever is next, please
13 identify yourself for the record.

14 MR. McMENAMIN: Good morning,
15 Chairman Kenney and distinguished members
16 of the Committee. My name is Rich
17 McMEnamin. I'm the owner/operator of the
18 ShopRite at Roosevelt Boulevard. It's on
19 Boulevard Plaza across from the IRS.
20 Most people recognize it as being in the
21 parking lot behind Chickie and Pete's. I
22 was born, raised, educated and a current
23 resident of the City of Philadelphia, and
24 I'm here to discuss the Bill 070691, use
25 of plastic bags.

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2 Just on the way of background,
3 I'd just like to -- ShopRite of Roosevelt
4 Boulevard is part of the Wakefern Food
5 Corporation. That's the nation's largest
6 retailer-owned supermarket cooperative,
7 with more than 230 stores under the
8 ShopRite/PriceRite banners at about nine
9 billion in annual retail sales. Wakefern
10 provides marketing, distribution,
11 procurement, warehousing and various
12 administrative services to member
13 companies. The cooperative's 44 members,
14 of which I am one, own and operate the
15 200 ShopRite supermarkets in New York,
16 New Jersey, Connecticut, Delaware and
17 Pennsylvania. We also operate 30
18 PriceRite stores in Connecticut, New
19 York, Massachusetts, Pennsylvania and
20 Rhode Island, and Wakefern and its
21 subsidiaries together employ more than
22 45,000 associates.

23 Ten years ago there were six
24 ShopRite supermarkets in the City of
25 Philadelphia. Today there are ten, and

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2 by the end of 2008, there will be 12.

3 And I believe this is an example of our
4 firm continuing commitment to the City of
5 Philadelphia.

6 Wakefern/ShopRite's dedication
7 to environmental stewardship is
8 multi-faceted and includes Wakefern's
9 Elizabeth, New Jersey recycling plant,
10 which operates 16 hours a day and six
11 days a week. In 2006, ShopRite recycled
12 more than 71,000 tons of cardboard and
13 1,668 tons of plastic shopping bags and
14 clear stretch film.

15 In 1991, ShopRite launched a
16 bag reuse program, which rewards shoppers
17 who reuse shopping bags with a two-cent
18 discount per bag. In 2005, customers
19 saved more than \$100,000 off their
20 grocery bills while helping ShopRite use
21 five million fewer bags. In 2006, 5.6
22 million bags were reused. ShopRite
23 continues to raise customer awareness of
24 this program by posting window signs,
25 register cards and printing information

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2 about the programs on shopping bags. We
3 have window signs similar to this. It's
4 in the package. And this one just says
5 "Want our two cents? Save the planet and
6 reuse our grocery bags."

7 ShopRite provides training for
8 associates in how to best pack a bag to
9 ensure optimal capacity is being reached,
10 with the goal of fewer bags being used.
11 And I can tell you it's a continuous
12 training effort that we have to do at our
13 stores.

14 Additionally, ShopRite
15 encourages customers to use fewer plastic
16 and paper shopping bags by offering
17 reusable bags, such as this one, which we
18 sell for a nominal fee of 99 cents that
19 would do that.

20 It is programs such as these
21 that we feel help better our environment.

22 Banning plastic shopping bags
23 and replacing them with recyclable paper
24 or compostable plastic bags will produce
25 unintended consequences. Combining

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2 compostable bags with the bags currently
3 being recycled by Wakefern will
4 contaminate the entire load, which could
5 result in diminished recycling
6 capabilities at our recycling plant.

7 Plastic bags can now be recycled into
8 plastic lumber, planters for gardening,
9 new plastic bags and other product.

10 However, if you combine compostables with
11 the regular plastic bags, they cannot be
12 recycled. The experts in the plastic
13 industry can better address the technical
14 questions. Our concern is the impact
15 compostable bags will have on our own
16 recycling program.

17 We believe that all retailers
18 should be responsible for improvement of
19 the environment and not just supermarkets
20 with gross annual sales of \$2 million, or
21 pharmacies. We encourage other retailers
22 to follow our example by recycling and
23 offering programs such as the sale of
24 reusable bags and a two-cent discount for
25 reusing bags. If all retailers offered

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2 the same type of programs such as those
3 undertaken by Wakefern/ShopRite, we
4 believe there would be a significant
5 reduction in plastic shopping bag use at
6 a steady progression towards
7 environmental protection and
8 sustainability.

9 In conclusion, we would ask
10 that you reconsider the legislative
11 approach banning plastic shopping bags
12 and instead consider promoting recycling
13 and reusable shopping bag programs. We
14 are committed to working with the City of
15 Philadelphia to find better ways to
16 effectively address this issue.

17 Thank you.

18 COUNCILMAN KENNEY: Thank you
19 for your testimony.

20 Councilman DiCicco.

21 COUNCILMAN DiCICCO: Thank you,
22 Mr. Chairman.

23 Mr. McMenamin, is that two
24 cents a bag per bag you offer? How do
25 you get the two cents? Per bag?

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2 MR. McMENAMIN: Two cents a
3 bag. If you come in with ten bags, we'll
4 take ten cents off your order -- or 20
5 cents off your order.

6 COUNCILMAN DiCICCO: Tell me
7 how that goes. Does someone bring them
8 up to the cashier as they're checking
9 out? What's the process?

10 MR. McMENAMIN: While they're
11 checking out. You bring them back in.
12 We encourage you to reuse them, bring
13 them back in. So they'll go shopping.
14 When they come up to the front of the
15 checkout, they'll just put their bags up
16 and then we have a code there and we
17 immediately deduct the two cents per bag
18 that they have on there.

19 COUNCILMAN DiCICCO: Okay.
20 Thank you.

21 Thank you.

22 COUNCILMAN KENNEY: Thank you
23 very much.

24 Please identify yourself for
25 the record.

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2 MR. WILSON: Good afternoon.

3 Thank you for having me. Actually, good
4 morning. My name is Andy Wilson. I'm
5 CEO of S Walter Packaging. We're
6 headquartered here in Philadelphia.
7 We've been selling retail packaging for
8 over a hundred years now. Different than
9 the gentleman to my left -- and, by the
10 way, I agree with everything and support
11 what you say -- we sell retailers
12 non-market, from the smallest variety
13 store to a Wet Seal or a Talbots have
14 multiple stores throughout the country.

15 As a matter of saving time, I'm
16 not going to repeat what these gentlemen
17 say. I support it. But I do want to
18 tell you that education is working. I
19 would tell you 50 percent of our day our
20 clients are calling, they're asking about
21 recycling, they're asking about how do we
22 become eco friendly.

23 We have for the last two years
24 been selling plastics, both high density
25 and low density, with recycled content.

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2 If we could get more of it, we could
3 recycle more and sell more recycled
4 plastic bags. We have people -- because
5 we sell paper and plastic, so we're
6 non-biased -- asking for paper with
7 recycled content.

8 So in short, the recycling is
9 really the way to go. As far as plastic
10 bags go, I'm not a recycling
11 professional, but I will tell you that
12 I've seen a paper recycling plant and
13 I've seen a plastic recycling plant. And
14 plastic recycles much more friendly with
15 less energy. There's, from what I know,
16 very few emissions, no water pollution,
17 and we can make plastic bags over and
18 over and over again.

19 So we support recycling. We
20 support education. It is working. And
21 interestingly enough, we do offer
22 degradable additives and it is not
23 selling. People are smart, knowing that
24 in a landfill there's no water, there's
25 no light, this might not work.

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2 We have also seen and
3 introduced these reusable bags, which in
4 the market atmosphere work very, very
5 well. You could imagine if I got up and
6 went across the street right now to
7 Macy's with a reusable bag and loaded it
8 up, I probably wouldn't make it out of
9 the store. So there's a security issue
10 with the reusable bags on the retail
11 level.

12 Overall, the plastic, it's
13 much, much less weight, much less
14 delivery charges, things like that. So
15 in short, not to be repetitive, I would
16 support a hundred percent recycling. S
17 Walter would like to work with the City.
18 We can take back the paper and the
19 plastic and make paper and plastic bags
20 over and over again.

21 COUNCILMAN KENNEY: Councilman
22 Rizzo.

23 COUNCILMAN RIZZO: Since you,
24 I'm sure, sell product to various
25 groups -- and I understand the intent.

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2 We're getting started here, but it seems
3 like we're -- and I don't want to use the
4 word "pick," but we're pointing towards
5 the supermarket industry. But you go to
6 Home Depot, you get a plastic bag. You
7 go to Lowe's, you get a plastic bag. You
8 go to Macy's, you get a plastic bag.

9 Plastic is used. And I know
10 some of the high-end department stores
11 have the paper shopping bag, Lord &
12 Taylor's and some of those types. The
13 supermarket industry is obvious that they
14 use a lot of them, but there's still a
15 lot of this material used in other
16 industries or other retail. I think if
17 we're going to look at this, you just
18 can't look at the supermarket industry
19 and say you have to comply, when the
20 Lowe's and the Home Depot's and the
21 Target's don't.

22 COUNCILMAN KENNEY: I'm sorry.
23 Councilman DiCicco, Councilman Rizzo's
24 line of questioning or comment is that it
25 doesn't apply to anyone but the

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2 supermarket industry, your bill.

3 COUNCILMAN DiCICCO: Councilman
4 raised that earlier about the smaller mom
5 and pop --

6 COUNCILMAN KENNEY: No, no.
7 He's talking about retail outlets like
8 Home Depot, Lowe's.

9 COUNCILMAN DiCICCO: It would
10 apply to them.

11 COUNCILMAN RIZZO: It would?

12 COUNCILMAN DiCICCO: Yeah. Any
13 company whose gross sales exceed, I
14 think, \$2 million annually and/or has
15 five or more stores in a certain locale.
16 Give me a minute, I can read it.

17 COUNCILMAN RIZZO: Well, if
18 that's the case --

19 COUNCILMAN DiCICCO: But it
20 would apply to them.

21 COUNCILMAN RIZZO: Within the
22 County of Philadelphia?

23 COUNCILMAN DiCICCO: Right.

24 COUNCILMAN RIZZO: That's the
25 answer.

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2 MR. WILSON: The answer would
3 be to recycle it. And we come home, we
4 take our paper bags, provided that
5 they're all paper, and we put them out
6 with our newspaper recycling, that we
7 should take our low- and high-density
8 plastic and it should go in the recycling
9 container with our bottles, because the
10 bottles recycle well with this. And it
11 should all be recycled and reused whether
12 it's, hopefully in my case, made back
13 into bags, but if Trex wants to make it
14 into something else, that's fabulous as
15 well.

16 COUNCILMAN KENNEY:
17 Councilwoman Brown.

18 COUNCILWOMAN BROWN: Good
19 afternoon, gentlemen. Please forgive me
20 for not remembering your name. Do you
21 have a written copy of your testimony?

22 MR. McMENAMIN: Yes.

23 COUNCILWOMAN BROWN: I also
24 should have been more attentive, but the
25 effort you have underway, the initiative

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2 you have underway is how old?

3 MR. McMENAMIN: We started in
4 1991.

5 COUNCILWOMAN BROWN: Oh, okay.
6 So can you brief us on what the level of
7 success has been? Is the awareness and
8 the understanding that you sort of have
9 to get with the new program increasing
10 given where we're headed around going
11 green?

12 MR. McMENAMIN: I hate to use
13 the word "education," but it's a constant
14 thing that we need to do. We need to
15 kind of reinvigorate the program every so
16 often, and we're committed to do that.
17 We can use -- we have weekly circulars
18 that go out, and we can use those in
19 order to kind of encourage people to
20 bring the bags in and reuse the bags and
21 get their two cents. But currently if
22 you go into the stores, you'll see window
23 signs up there and you'll see placards at
24 the register that say "reuse the bags."

25 And also to comment even on

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2 the -- because we have our own recycling
3 facility in Elizabeth, we're able to --
4 we transport the cardboard and the
5 plastic back on the same truck that we
6 would send our empty pallets with. So
7 it's a step that's kind of eliminated,
8 and it's pretty efficient.

9 COUNCILWOMAN BROWN: And you do
10 have copies of your testimony?

11 MR. McMENAMIN: Yes, I do.

12 COUNCILWOMAN BROWN: Thank you
13 very much, gentlemen.

14 MR. McMENAMIN: You're welcome.

15 COUNCILMAN RIZZO: Follow-up,
16 please.

17 COUNCILMAN KENNEY: Councilman
18 Rizzo.

19 COUNCILMAN RIZZO: We're going
20 to double-check that fact that super
21 stores would be included in that. At the
22 moment it's not 100 percent clear, so
23 Councilman DiCicco is going to take a
24 look at that and get an interpretation
25 that it does in fact cover what I

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2 suggested earlier.

3 COUNCILMAN KENNEY: Thank you
4 very much.

5 COUNCILMAN RIZZO: Thank you,
6 Mr. Chairman.

7 COUNCILMAN KENNEY: Anyone on
8 the panel to testify?

9 (No response.)

10 COUNCILMAN KENNEY: No other
11 witnesses in this panel?

12 (No response.)

13 COUNCILMAN KENNEY: Thank you
14 very much.

15 Donna Dempsey, Bernard Yaros,
16 David Dunning, Samara Norman and Steve
17 Rosario.

18 Please identify yourself for
19 the record, but I would also ask that
20 if -- because you're kind of testifying
21 on the same stuff, that if you have
22 written testimony that is a replication
23 of the prior written testimony, you could
24 say that you agree with that and then
25 give us some other issues as opposed to

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2 just simply reading -- because all of the
3 written testimony we put into the record,
4 but as far as the discussion goes, if
5 you're reading the same testimony, it
6 gets a little redundant and you could
7 pick up -- just use your own sense to
8 figure out what's been said already and
9 what needs to be said. Thank you.

10 MR. ROSARIO: Mr. Chairman,
11 before we start, if I may, I would be --
12 Steve Rosario with the American Chemistry
13 Council. I'll be joining the next panel.

14 COUNCILMAN KENNEY: No problem.

15 Please identify yourself for
16 the record.

17 MS. DEMPSEY: Hi. Good
18 afternoon. My name is Donna Dempsey.
19 I'm with the Progressive Bag Alliance.
20 Honorable Chairman Kenney, Committee
21 members on the Environment and others,
22 thanks very much for the opportunity.

23 As you could tell, as the last
24 panel, we will only be commenting on the
25 issue for plastic bags because therein

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2 lies our expertise and we would prefer
3 that, if that's okay.

4 COUNCILMAN KENNEY: Yes.

5 MS. DEMPSEY: I agree with all
6 the testimony that I sent in, if that's
7 what you said, and would just like to add
8 some other things as well.

9 Number one, I really feel that
10 we are all starting -- we all have the
11 same goal in common here, to work
12 together to make Philadelphia more green,
13 more sustainable. So I think honestly we
14 have the same goal in common. We just
15 have some different approaches that we'd
16 like to discuss.

17 First, a couple of information
18 that may be new. Number one, plastic
19 bags are mostly derived from natural gas,
20 over 85 percent, and not oil. Ninety to
21 95 percent of people, I know from some
22 very large stores in Maryland, ask for
23 plastic bags. Interestingly enough,
24 plastic bags were the environmental
25 answer to paper bags 20, 30 years ago.

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2 So we're really coming full circle.

3 Also, well over 80 percent of
4 people reuse their bags. I know when I'm
5 making my son's lunch, I certainly put it
6 in a plastic bag. When I traveled here,
7 I put in all of my shampoo bottles and
8 any kind of lotions that could explode.
9 So 80 to 90 percent of people do reuse
10 their bags.

11 The Progressive Bag Alliance
12 was formally formed in 2005. They are
13 just formalizing programs that they've
14 been doing, you know, not collectively
15 but on an individual basis, especially
16 with recycling and bagger training.

17 I guess I'm not here only to
18 point out some concerns with this bill --
19 and I will be brief, because it's in my
20 testimony and you will hear from other
21 experts, because I'm not a scientist.
22 But what we'd like to do is, we'd like to
23 see a collaborative approach. Other
24 cities -- and we are working with other
25 cities around the country who are at the

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2 very same point that you are at and have
3 taken a look at what I'll call a San
4 Francisco-like type of mandate, and
5 they've actually taken a step back and
6 said, You know what, I think we need to
7 be a little bit more collaborative and
8 work together with our community, with
9 the retailers and with the industry to
10 come up with some more workable
11 solutions.

12 What we have been doing,
13 especially with the new law, which I'm
14 sure you're familiar with, in California,
15 the AB 2449, the recycling mandate, we've
16 been working with them in promoting and
17 providing education materials, and what
18 we have been working with and other
19 cities and would like to offer up here as
20 a different way or different path forward
21 to reach the same goals that you have
22 would be using less bags in the first
23 place. And I think Mr. DiCicco said why
24 would the plastic bag industry want to do
25 that. But it's a better way. There

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2 should be no double bagging. There
3 should be the appropriate amount of items
4 put in each bag. So we think using less
5 bags in the first place.

6 Offering reusable bags at the
7 point of sale is a good opportunity for
8 people who want to do that. Certainly
9 increasing at-store recycling. If
10 there's more at-store recycling, I know
11 that it was a concern -- Mr. Chairman, I
12 can't remember if it was yourself or
13 Mr. DiCicco, but there was a concern
14 about the trash and the amount of money
15 that that takes. This would divert
16 somewhat from that cost, because we think
17 at-store recycling is a much better way
18 to go about it. And as you'll hear again
19 from some real professionals what a very
20 big secondary market there is that was
21 not in place several years ago. So
22 that's where we could do a much better
23 job. And we have been working with
24 grocery stores in collecting data, and
25 it's very, very encouraging with the

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2 amount of tonnage of plastic bags that
3 they're recycling. And as you probably
4 do know, they make money for this, and I
5 will leave that up to Trex and AERT, who
6 will be testifying as well.

7 So we have been supporting and
8 doing education materials. And, again,
9 we are looking today for a collaborative
10 approach. I know cost has been something
11 that has been discussed. Something that
12 has not been discussed is the cost of the
13 infrastructure that Philadelphia would
14 have to apply to make a proper composting
15 facility if the mandate moves forward as
16 is.

17 Compostable bags, there's a lot
18 of misinformation out there. First of
19 all, there are some truly
20 biodegradable/compostable additives in
21 products that are compliant with the laws
22 from the FTC. There are others that are
23 not. So that really, as far as a
24 liability issue, really needs to be
25 looked at. However, again, Philadelphia

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2 doesn't have a composting facility and
3 these biodegradable or compostable bags
4 will not disappear or degrade when you
5 throw them in the street. If you put
6 them in the Chesapeake or Delaware Bay,
7 if you put them in your backyard
8 composting and even if you put them into
9 a landfill, they do not degrade really
10 much more than anything in the landfill.
11 Nothing in the landfill degrades much,
12 and it's meant to do that. And, again,
13 there are other experts who can testify
14 to that a little bit more.

15 So basically just in closing
16 is, I would urge you to consider taking a
17 private and public partnership in
18 collaborating a better, more workable
19 solution than an outright product ban,
20 because, in closing, when you ban one
21 product, you have to really take a look
22 at the risks and benefits and economic
23 and environmental unintended consequences
24 of those products. You really need to
25 think through that process.

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2 I thank you very much.

3 COUNCILMAN KENNEY: Thank you.

4 Just two comments. Just for the record,
5 there are two composting facilities, one
6 in Pennsylvania and one in New Jersey,
7 one in Wrightstown, which isn't that far
8 away, and Tremont, which is, according to
9 the map, not that far away. So even
10 though Philadelphia doesn't have one --
11 and maybe we should -- there are two
12 facilities that are available.

13 There's been a lot of talk
14 about relative to the secondary market
15 for plastic bags and plastic products.
16 Hypothetically, if these plastic bags
17 were banned, why wouldn't there be just
18 an initial market for the same product
19 that would make the decking, would make
20 the planters? You don't need to recycle
21 the plastic bags to make that product,
22 correct?

23 MS. DEMPSEY: Yes, you do. If
24 I understand the question and --

25 COUNCILMAN KENNEY: The plastic

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2 material that makes the decking and the
3 planters and other stuff doesn't have to
4 come from a plastic bag.

5 MS. DEMPSEY: It can come
6 from -- most of it does come from plastic
7 bags.

8 COUNCILMAN KENNEY: I
9 understand, but it doesn't have to come
10 from a plastic bag.

11 MS. DEMPSEY: Also, the bags
12 that come with the newspaper, dry-cleaned
13 bags -- it's called clean plastic film --
14 can be included in that.

15 COUNCILMAN KENNEY: I
16 understand that, and I'm not disputing
17 that you can reuse it for that, but the
18 initial material that make the plastic
19 bag could simply be used to make the
20 decking. I mean, I don't necessarily
21 think -- while I encourage recycling and
22 I'm glad there's a secondary market,
23 because I do want to clean it up, I don't
24 have to have a plastic bag to make a
25 plastic decking.

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2 MS. DEMPSEY: As stated before,
3 that's where most of the bags come from.

4 COUNCILMAN KENNEY: That's not
5 my point. My point is, we're touting the
6 secondary market as a reason why we
7 shouldn't ban the plastic bags. Well,
8 the initial market for the decking still
9 would exist without the plastic bags
10 having to be recycled at all if we didn't
11 use them.

12 MS. DEMPSEY: If I may request
13 that you hold that question. We do have
14 two people testifying here, and I don't
15 want to speak for them, Trex and AERT.
16 Perhaps they could address the tonnage
17 that goes into it.

18 COUNCILMAN KENNEY: My point
19 is, it's a good thing to recycle the
20 plastic bags into other materials, but
21 you don't need to recycle -- if we didn't
22 have plastic bags at all, they still
23 would make plastic decking and planters.

24 MS. DEMPSEY: That I can't
25 answer. Honestly, it's just not my area

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2 of expertise. I wouldn't want to make
3 something up. We can ask Trex and AERT
4 that.

5 COUNCILMAN KENNEY: Okay.

6 MS. DEMPSEY: Thank you.

7 COUNCILMAN KENNEY: Thank you.

8 Please identify yourself,
9 whoever is next.

10 MR. JAROS: Bernard Jaros.

11 Dear Honorable Councilmembers, thank you
12 for the opportunity to speak. Since I
13 only have a few minutes, I would choose
14 the points that I want you to understand
15 and remember.

16 My approach is a technical one,
17 and the facts and scientific data are
18 clear and undisputable. Paper and
19 compostable plastic bags have
20 significantly higher environmental
21 impacts than plastic bags. They impact
22 global warming, use of fossil fuels, use
23 of potable water, acid rain, water
24 pollution, solid waste and the landfill
25 problem. Legislation that bans the use

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2 of plastic bags and promotes the use of
3 paper bags and compostable plastic bags
4 will, without a doubt, add to the
5 creation of greater environmental burdens
6 and consequences for future generations.

7 I have 30 years' experience at
8 Scott Paper Company. I have visited and
9 led on-site projects in all in Scott's
10 pulp and paper mills in the United
11 States, Canada, Mexico and the
12 international facilities in the UK,
13 France, Germany, Spain, Italy, Belgium,
14 Japan, Taiwan, Malaysia and Brazil.

15 I was also a member of Scott
16 Paper Company's pioneering team that in
17 1990 contributed to the initial life
18 cycle assessment work of the Society of
19 Environmental Toxicology and Chemistry,
20 known as SETAC. I subsequently conducted
21 a number of life cycle assessments for
22 Scott Paper Company in terms of
23 environmental product improvements.

24 Now, what is life cycle
25 assessment? Life cycle assessment is a

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2 systems approach in order to understand
3 and examine the environment. It's cradle
4 to grave, which means taking things from
5 the air, the water and the ground, such
6 as fuels, water and raw materials,
7 processing them, transporting them and
8 using them and returning them to the air,
9 water and ground as emissions and solid
10 waste.

11 A systems approach is able to
12 discriminate between local effects,
13 environmental effects, regional
14 environmental effects and global
15 environmental effects, as there are
16 trade-offs in a local effect to a global
17 and a regional effect.

18 The purpose of a study of the
19 system I studied is the way consumers
20 carry their purchases using either
21 plastic, paper or compostable plastic
22 bags. From this information, we can
23 obtain and compare environmental impacts.

24 The concept of life cycle
25 assessment has been practiced and

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2 standardized for almost 20 years
3 worldwide through several organizations,
4 including SETAC and the International
5 Standards Organization.

6 Now, what is the life cycle
7 story on plastics and paper? I have just
8 completed a life cycle study of three
9 grocery bags: the paper, the plastic and
10 the compostable. The findings of this
11 study were peer reviewed by an
12 independent third party with significant
13 inexperience in life cycle assessments to
14 ensure the results were reliable and
15 repeatable. The following are the quotes
16 from the reviewer, Professor Michael
17 Overcash of North Carolina State
18 University. He states, The conclusions
19 regarding the relative environmental
20 impact when using a life cycle view are
21 consistent with previous studies and need
22 to be reinforced in the policy arena.
23 The policies to discourage plastic bags
24 may have more to do with litter than the
25 overall environment. Whatever the goals

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2 of the policymakers, these need to be far
3 more explicit than general environmental
4 improvement, since the life cycle story
5 is consistent in favor of recyclable
6 plastic bags.

7 Three other life cycle studies
8 have been conducted in the past 20 years,
9 all with consistent environmental results
10 concluding that plastic bags are more
11 environmentally friendly than paper bags,
12 one by PricewaterhouseCoopers for the
13 hypermarket, Carrefour; two by Franklin
14 Associates. One was for the Council of
15 Solid Waste Solutions and another for the
16 Oregon Department of Environmental
17 Quality and the US EPA Environmentally
18 Preferable Packaging program.

19 In summary, the key
20 environmental impacts that are
21 significantly higher when using paper or
22 compostable plastic instead of plastic
23 bags are global warming, use of fossil
24 fuels, use of potable water, acid rain,
25 water pollution, solid waste and the

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2 landfill problem. Global warming and
3 lack of water are two of the most
4 critical environmental concerns of our
5 time.

6 The studies show that paper
7 grocery bags use approximately one gallon
8 of water for every bag; whereas, plastic
9 bags use less than one one-hundredth of a
10 gallon of water. Currently, the media,
11 news, Internet and Philadelphia Inquirer
12 Sunday report a regional crisis in and
13 around Atlanta, and the Governor has
14 declared a water emergency and asked for
15 federal assistance. How responsible can
16 it be to ban plastic bags?

17 Thank you.

18 COUNCILMAN KENNEY: Thank you.

19 Is it your contention we should
20 ban the paper bags?

21 MR. JAROS: I'm just saying the
22 better approach if you're banning paper
23 or you're banning plastic or banning
24 compostable, your better alternative is
25 ban all of them, if that's your point of

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2 view.

3 COUNCILMAN KENNEY: How old is
4 the study?

5 MR. JAROS: My study has just
6 been completed. The EPA, the one for the
7 US EPA is 2004. The Carrefour study was
8 2004 and the other was 1990.

9 COUNCILMAN KENNEY: Thank you.
10 Councilman DiCicco.

11 COUNCILMAN DiCICCO: On those
12 same lines, are you aware of a life cycle
13 study that basically contradicts
14 everything that you just reported?

15 MR. JAROS: Yes.

16 COUNCILMAN DiCICCO: I'm not
17 being critical.

18 MR. JAROS: If you want to
19 compare a type of bag that is 55 -- that
20 carries 55 pounds to 2,000 pounds, and
21 the authors of that study said that the
22 study should not be compared to the
23 carryout bags that we're talking about.
24 So the actual study stated that it wasn't
25 comparable to the carryout bags. It's

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2 stated right in their goal. And I can't
3 see how the carryout bag we're talking
4 about can relate to a thousand kilogram.

5 COUNCILMAN DiCICCO: I don't
6 know about kilogram and stuff.

7 MR. JAROS: Well, I'm just
8 giving you the response. And the authors
9 of that Swedish study stated that there's
10 no comparison to the kind of bags that
11 we're talking about.

12 COUNCILMAN DiCICCO: You
13 mentioned the EPA report?

14 MR. JAROS: Yes.

15 COUNCILMAN DiCICCO: Do you
16 know any reason why they removed that
17 from their web page in the spring of '07?

18 MR. JAROS: Really?

19 COUNCILMAN DiCICCO: Yup.

20 MS. DEMPSEY: I can tell you
21 why.

22 COUNCILMAN KENNEY: If you can
23 enlighten us. You have to use a
24 microphone. Just re-identify yourself
25 for the stenographer.

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2 MS. DEMPSEY: I'm sorry. Donna
3 Dempsey, Progressive Bag Alliance.

4 I talked with the EPA Northeast
5 Office, which is the page where we're
6 referring to. They took it down to
7 update it. There have been other people
8 said they took it down because it was
9 inaccurate, and that was Alderman
10 Shropshire in Annapolis. That's
11 incorrect. And he in an e-mail told me,
12 yes, they just took it down to update the
13 information.

14 COUNCILMAN DiCICCO: They took
15 it down in the spring of this year,
16 several months ago.

17 MS. DEMPSEY: Yes, to update
18 it.

19 COUNCILMAN DiCICCO: So we
20 don't know what their final conclusions
21 are.

22 MS. DEMPSEY: I'm sorry?

23 COUNCILMAN DiCICCO: We don't
24 know what their final conclusions are,
25 because they're updating it.

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2 MS. DEMPSEY: They didn't take
3 it down because it was incorrect. The
4 data was correct, she told me, but they
5 only took it down to update it.

6 COUNCILMAN DiCICCO: But
7 updating it may find they come up with a
8 different conclusion than was previously
9 on that page, couldn't they? Maybe it
10 doesn't. We don't know. We don't have
11 any information to go by.

12 MS. DEMPSEY: Again, the only
13 information that I had was they took it
14 down to update it, but the information
15 that they had up there was correct when
16 it was up there.

17 MR. JAROS: I just recently
18 talked to the people at the Oregon
19 Department of Environmental Quality, and
20 they didn't give me any indication that
21 the results had changed.

22 COUNCILMAN DiCICCO: No further
23 questions.

24 COUNCILMAN KENNEY: Thank you.
25 Whoever is next, please

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2 identify yourself.

3 MS. NORMAN: Samara Norman with
4 the Trex Company. Thank you, Council,
5 for having our time today.

6 Trex Company is the
7 manufacturer of Trex decking and railing,
8 the leading brand of alternative decking
9 lumber in North America. A former
10 division of Mobile Oil, the company was
11 formed by four Mobile executives in 1996
12 and went public in April 1999. Our
13 headquarters and production plant are in
14 Winchester, Virginia and a second plant
15 in Fernley, Nevada July 1999.

16 Trex Company turns millions of
17 pounds of recycled and reclaimed plastic
18 and waste wood each year into Trex
19 composite lumber. Most of these raw
20 materials come from recycled plastic
21 grocery bags, reclaimed pallet wrap and
22 waste wood. Trex Company purchases
23 approximately 300 million pounds of used
24 polyethylene and an equal amount of
25 hardwood sawdust each year, materials

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2 that would normally end up in a landfill.

3 The company estimates that it receives
4 about 50 percent of the recycled grocery
5 bags available on the market.

6 In 2006, we recycled more
7 grocery bags out of the State of
8 Pennsylvania than any other state in the
9 country. Here are some figures: In
10 2006, the Trex at-store recycling program
11 results for the State of Pennsylvania, we
12 collected over three million pounds of
13 bags. That's equivalent to over 200
14 million bags. Two thousand bags equals
15 30 pounds. Over 37,000 miles of bags if
16 you assume each bag is one foot laid end
17 to end. And this collection process
18 allowed us to collect an additional three
19 million pounds of other film plastic from
20 these in-store collection programs.

21 Nationwide, over 19 million
22 pounds of bags were collected, over 1.3
23 billion bags, over 210,000 miles of bags,
24 and an additional 22 million of other
25 film plastic as well.

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2 Pennsylvania accounts for
3 nearly 16 percent of all bags Trex
4 collected domestically.

5 This is how our program works.
6 The grocery bags originate at their
7 manufacturer. These bags are shipped to
8 grocery or retail locations. Bags are
9 distributed to consumers at such
10 locations during point of sale. There
11 are collection bins in grocery vestibules
12 to collect the consumers' used bags.
13 These are then backhauled to the grocery
14 distribution centers for bailing and
15 storage. Bailed bags are purchased from
16 the distribution centers and used in our
17 manufacturing process.

18 The advantages of the at-store
19 recycling programs are many. They
20 utilize existing resources. They're
21 relatively inexpensive to implement. The
22 expense is converted revenue for the
23 grocer or the retailer. They're
24 self-sustaining. The yield is a high
25 value recycled product, and it supports

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2 collection of other recyclable film
3 plastics.

4 Trex is the largest domestic
5 recycler of grocery bags. We promote
6 in-store and at-school recycling,
7 education and collection programs. We
8 believe that by better educating
9 consumers on where and how to recycle
10 their grocery bags, we can increase the
11 percentage of bags to be recycled and
12 further reduce the number of bags that go
13 to landfill.

14 Our position: The Trex product
15 consists of approximately 50 percent
16 recycled polyethylene and 50 percent
17 reclaimed wood. The viability of our
18 product is dependent on the physical and
19 chemical characteristics of polyethylene
20 and the fact that it does not degrade.
21 The use of degradable or compostable
22 polyethylene in our product would
23 severely compromise its physical
24 attributes and render our lumber unusable
25 as a decking or a railing material.

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2 Our manufacturing processes are
3 dependent on recyclable polyethylene, and
4 we support those programs that support
5 the recycling of polyethylene. Any raw
6 materials that contain the feature of
7 degradation is viewed as a contaminant
8 and reduces the reliability and value of
9 the entire recycle stream.

10 Thank you.

11 COUNCILMAN KENNEY: Thank you.

12 There's no doubt that you're
13 recycling a very good product, and the
14 product you produce as a result of
15 recyclable material is a very good thing.
16 My original question was, hypothetically,
17 if there were no polyethylene store bags,
18 would you still be able to make your
19 product?

20 MS. NORMAN: There are other
21 composite lumber manufacturers that do
22 not use recycled materials.

23 COUNCILMAN KENNEY: No, no, no.
24 That's not my question. Can you get
25 polyethylene somewhere else other than a

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2 store bag?

3 MS. NORMAN: We also use

4 stretch film, pallet wrap.

5 COUNCILMAN KENNEY: Can you get

6 polyethylene from a non-recycled product?

7 MS. NORMAN: We can. We do not

8 use virgin materials as the core portion

9 of our product.

10 COUNCILMAN KENNEY: Right. I

11 understand that, and I understand the

12 service that you provide for the recycled

13 material. But, again, you can still make

14 decking and planters and other things

15 with a virgin product, polyethylene.

16 MS. NORMAN: Our proprietary

17 process is made for recycling.

18 COUNCILMAN KENNEY: I

19 understand. Again, I don't want to beat

20 this dead horse, but the existence of

21 your decking product is not totally

22 reliant on plastic bags from

23 supermarkets.

24 MS. NORMAN: It's not a hundred

25 percent reliant on plastic bags.

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2 COUNCILMAN KENNEY: Somebody
3 can make it without a plastic bag. Even
4 though your proprietary process requires
5 the plastic bags, it can be made without
6 it; is that fair?

7 MS. NORMAN: That's fair.

8 COUNCILMAN KENNEY: Great.
9 Councilman.

10 COUNCILMAN DiCICCO: Thank you,
11 Mr. Chairman.

12 Has Trex product always been
13 produced with the recycled material or
14 were you manufacturing prior to that?

15 MS. NORMAN: It's been recycled
16 material since day one. It was
17 originally bread bags and waste pallets.

18 COUNCILMAN DiCICCO: It's a
19 good product, by the way. I have a deck
20 that's the Trex deck.

21 MS. NORMAN: Thank you.

22 COUNCILMAN DiCICCO: See, you
23 got to come out with some positive stuff
24 somewhere along the way.

25 MS. NORMAN: I appreciate that.

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2 COUNCILMAN DiCICCO: And I
3 would recommend it to everyone,
4 especially someone who doesn't like
5 painting a deck every year.

6 You talk about 1.3 billion
7 pounds, was that, or bags?

8 MS. NORMAN: That's bags
9 nationally.

10 COUNCILMAN DiCICCO: Do you
11 know how many bags the American public
12 uses annually?

13 MS. NORMAN: I don't know that
14 figure.

15 COUNCILMAN DiCICCO: And I
16 admire what you're doing and I applaud
17 you for the product you make and using
18 recycled materials, as Councilman Kenney
19 said, but there's somewhere between 80
20 and 100 billion bags that are used in
21 this country a year. So no disrespect,
22 it's a very insignificant number,
23 although it's important. It's 1.3
24 billion that we don't have out there. I
25 just thought I'd put that in some

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2 perspective for the Committee.

3 MS. NORMAN: There are
4 obviously still opportunities for us to
5 drive deeper with the recycling programs.

6 COUNCILMAN DiCICCO: Thank you.

7 COUNCILMAN KENNEY: Thank you.

8 Sir, please identify yourself
9 for the record.

10 MR. DUNNING: I'm Dave Dunning,
11 Senior VP for AERT. That's Advanced
12 Environmental Recycling Technology.
13 We've been operating since 1989. We make
14 composite fencing, decking, railing for
15 the Lowe's Corporation and other
16 retailers under the brand names of Choice
17 Deck and MoistureShield.

18 Let me be conscious of
19 duplicating Samara's testimony and just
20 net out what we do for grocery chains and
21 have for some time.

22 Mr. Chairman, those are good
23 questions pertaining to could we make a
24 deck board from non-recoverable
25 materials. It was four years ago in

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2 Baltimore the first wood plastic
3 composite manufacturers meeting was held,
4 and there were four to five hundred
5 people there representing over 63
6 companies, and when the Chairman asked
7 how many of you use post-consumer
8 materials, there was only two companies.
9 And we're not here to get any -- we've
10 gotten enough EPA awards, but there's
11 only two companies that use post-consumer
12 materials.

13 Now, since we're in
14 Pennsylvania, one of our big vendors is
15 in Pittsburgh and it's Giant Eagle, and
16 well before you all introduced this,
17 they've been recycling plastic. I think
18 they're up to 60 or 70 percent of their
19 stores. They make the bins out of our
20 recycled siding we sell through a
21 warehouser. They have returnable bags
22 they sell for 99 cents at every store
23 I've been into, and they have -- and then
24 two years ago from the US EPA waste-wise,
25 they got an award for all the bags they

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2 recycle. It's all commendable.

3 But to your point, could we
4 make it from virgin materials. We could
5 order a railcar of materials in our
6 plants in Springdale, Arkansas and Texas
7 and Louisiana, but we're in the recycling
8 business. We make decking that replaces
9 pressure-treated lumber, because it is no
10 maintenance, it's got a lifetime warranty
11 and it's better than anything that's ever
12 been made before. And between our two
13 companies, we recycle materials all over
14 the country.

15 In the State of Maryland, Giant
16 Food gets from several counties a waste
17 diversion tax credit for the amount of
18 materials that goes in -- diverted from
19 their landfill. And did I mention we buy
20 it for the average price is probably 21
21 cents a pound for polyethylene grocery
22 bags? We use on the order of -- we
23 recycle about 600,000 pounds a day at our
24 three plants. That's equivalent to a
25 small town compared to Philadelphia of

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2 140,000 people.

3 And I'll conclude by saying
4 into the future, there's a new thing in
5 the waste business. It's single-stream
6 recycling. We're starting a new plant, a
7 washline in Oklahoma, which is near
8 northwest Arkansas, where we're going to
9 wash material we're going to get from
10 MRFs, material recovery facilities. So
11 we're not just looking at grocery stores,
12 but the future is to look at all
13 plastics.

14 We use it as -- it is not a
15 low-cost raw material, but we use
16 millions and millions of pounds a year.
17 And everybody asks us since we're so
18 close northwest to Arkansas, both our
19 companies get material from Wal-Mart, and
20 they've been score-carding packaging and
21 they've been looking at plastic bags, but
22 even Wal-Mart hasn't figured out how to
23 get rid of a bag, and I don't think they
24 want to because the consumers like them,
25 they use them and they're going to be

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2 around for a long time.

3 I'll take any questions.

4 COUNCILMAN KENNEY: I guess my
5 question would be, if we banned the use
6 of polyethylene bags in Philadelphia,
7 neither of your firms would go out of
8 business.

9 MR. DUNNING: Go out of
10 business, sir?

11 COUNCILMAN KENNEY: I mean,
12 you'd both still be in business.

13 MR. DUNNING: Well, we get some
14 hypo pulp from several parts of
15 Pennsylvania.

16 COUNCILMAN KENNEY: No, no, no.

17 MR. DUNNING: Go out of
18 business? No, we're not going out of
19 business.

20 COUNCILMAN KENNEY: I'm saying
21 if in Philadelphia County we did not
22 allow the use of polyethylene bags in
23 retail outlets, you guys would still be
24 making your decking and on your merry
25 way. So us banning it here is not --

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2 MR. DUNNING: You might force
3 us to use virgin materials, and then we'd
4 hear from the environmental groups.

5 COUNCILMAN KENNEY: Well, okay.
6 I'll let them speak for themselves.

7 MR. DUNNING: Okay.

8 COUNCILMAN KENNEY: Councilman
9 DiCicco.

10 COUNCILMAN DiCICCO: Yeah.
11 Along that same line of questioning,
12 let's assume we all agree that the answer
13 to this is strictly recycling, and
14 everybody agreed and we did a total
15 recycling program. What happens to the
16 other 99 billion bags that are now being
17 recycled? I mean, you have your company
18 and it's 1.3 billion bags. What happens
19 to all this recycled material? Is there
20 a market out there? Is there something
21 that some other folks or companies are
22 going to be using this product? And it's
23 a question, I guess, for anybody out
24 there at some point to answer.

25 MR. DUNNING: I think one of

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2 the best --

3 COUNCILMAN DiCICCO: And I do
4 have a question. Maybe you can answer
5 it, Trex. How do you get that recycled
6 material to become part of the final
7 product? What is the process?

8 MR. DUNNING: Well, ours is
9 called cold-flow extrusion, and it all
10 has to do with melt index. We prefer
11 plastic grocery bags and stretch film,
12 and we use Clorox bottles and colored
13 bottles and a lot of things, but we have
14 to even out the melt index of our
15 extruders.

16 COUNCILMAN DiCICCO: Talk to me
17 about the melting process. Is that by
18 heat? Is it fire driven? How do you
19 melt it?

20 MR. DUNNING: I have a great
21 video I'll show you, because I don't
22 know --

23 COUNCILMAN DiCICCO: Just tell
24 me. Does it run through a furnace?

25 MR. DUNNING: Not a furnace.

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2 We use cold flow. We don't use as much
3 heat as brand X, but you still have to
4 melt plastic.

5 COUNCILMAN DiCICCO: How do you
6 melt it?

7 MR. DUNNING: Extrusion.

8 COUNCILMAN DiCICCO: I'm a
9 layman. Tell me what that means.

10 MR. DUNNING: It goes through a
11 dye. We have a hopper that we comingle
12 the wood fiber, which is a juniper cedar
13 from Texas, and we incapsulate the wood
14 particle with plastic.

15 COUNCILMAN DiCICCO: What form
16 of energy is needed to get the product
17 that ultimately turns that recycled bag
18 into the Trex or whatever your product
19 is? Does it take fuel to get to that
20 product that produces -- to get to the
21 point where you produce your product?

22 MR. DUNNING: On one plant we
23 have a waste-to-energy conversion plant
24 where we are using -- we pump steam back
25 into the plant, but two of our older

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2 plants we got to use electricity to turn
3 on the extruders.

4 COUNCILMAN DiCICCO: And the
5 electricity is generated by fossil fuel?

6 I see the astute gentleman
7 here.

8 MR. JAROS: Yeah; 65 percent
9 coal --

10 COUNCILMAN DiCICCO: I'm going
11 to go back to one of the original
12 arguments about the transportation of
13 paper, and we can get into what's more
14 biodegradable or not. The cost of
15 freight being transferred is less
16 expensive to do plastic, because you can
17 put more plastic bags in a truck and
18 transport them than you could paper. And
19 it's all about fuel, but fuel, we never
20 get away from that.

21 MR. DUNNING: Right.

22 COUNCILMAN DiCICCO: It takes
23 fuel to do all this stuff. It takes fuel
24 to pick up the recycled containers in a
25 perfect world if everyone recycled, took

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2 their shopping bags back to the
3 supermarket or whatever and they put it
4 in the back room, as Mr. DiGenero -- I
5 can't remember his last name -- spoke
6 about and it has to be picked up. A
7 truck comes to pick that up. A truck
8 runs on fuel. That truck transports that
9 material to a facility where it then gets
10 retransported down south for the
11 recycling process.

12 So we're talking about energy
13 consumption here. We're talking about
14 how to protect the environment in
15 addition to the trash, which is our
16 biggest problem here, is trash.

17 So my point is that none of
18 this stuff -- and with all due respect
19 and it's a great product, as I said
20 earlier, we never get away from the
21 energy dependence, and that is one aspect
22 of what this hearing is all about. How
23 do we get to be less -- and I know my
24 good friend Ed from Sunoco is over there
25 probably saying, What are you doing over

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2 here?

3 There will always be a need for
4 fuel. I mean, we're never going to get
5 away from it entirely. So I just -- on
6 one hand we're saying, well, plastic bags
7 are better than paper because of all this
8 stuff, it takes less energy to produce,
9 but even if you recycle it, doesn't the
10 fuel that's being used on the back end
11 make up for the savings, if there is any
12 saving, on the front end?

13 MR. JAROS: A point -- I'd like
14 to respond.

15 COUNCILMAN KENNEY: Sir, excuse
16 me. Could you pull the microphone closer
17 to you.

18 MR. JAROS: Yeah.

19 We're trying to recycle paper
20 also, and the weight of the paper is
21 eight times more than a plastic bag. So,
22 therefore, the recycling to carry, pick
23 up, transport and then also ending up in
24 landfill is significant just because of
25 the weight difference. Now, if a paper

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2 bag was the same weight as a plastic bag,
3 the issue would be different.

4 COUNCILMAN DiCICCO: What about
5 a product that decomposes?

6 MR. JAROS: It's the same
7 issue. From the experience that I have
8 with that, the compostable plastic is
9 three times the weight of the plastic
10 bag.

11 COUNCILMAN DiCICCO: What about
12 decomposable paper?

13 MR. JAROS: Paper is degradable
14 under its normal terms. It will go to
15 carbon dioxide and water, then it will go
16 to -- or methane, depending upon the
17 conditions. But it's not going to
18 decompose, depending upon the conditions.
19 A classic study by Rathje showed after 25
20 years of digging up a landfill, he could
21 read the newspaper.

22 COUNCILMAN DiCICCO: How many
23 years will a plastic bag survive in that
24 same landfill?

25 MR. JAROS: Probably 2,000,

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2 3,000 years, but the point is that it
3 will not degrade to carbon dioxide, which
4 is a global warming gas, and it will not
5 degrade to methane, which is even a more
6 significant global warming gas for
7 climate change.

8 COUNCILMAN DiCICCO: And I
9 respect and I appreciate that, because
10 we're talking about landfills, but we
11 didn't get into the oceans and our rivers
12 and our streams where would you agree
13 that plastic will never decompose or
14 paper would decompose more quickly in an
15 ocean and a river and/or stream as
16 compared to plastic?

17 MR. JAROS: That's correct, but
18 if you see the degradation that's
19 happening in the Arctic and the global
20 warming and the rising issues, the global
21 warming would be far greater than -- and
22 to be concerned about the polar bears
23 that may not be existing in that program
24 that you're watching for Anderson Cooper.

25 COUNCILMAN KENNEY: See what

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2 you started. You're going to ban plastic
3 bags and you're going to kill the polar
4 bears. What's wrong with you?

5 COUNCILMAN DiCICCO: This is
6 like deja vu on the spray paint ban.

7 COUNCILMAN KENNEY: But for the
8 record, though, I believe the methane
9 issue for the landfills is a '92 study,
10 and in last 15 or so years, the
11 management of methane gas is certainly
12 different than it was back then, and that
13 methane gas is more used now for energy
14 purposes and not just dissipate into the
15 atmosphere.

16 MR. JAROS: Yes. They collect
17 methane from landfills, but there's a
18 great deal of methane that's produced in
19 landfills that is not collected.

20 COUNCILMAN KENNEY: I
21 understand.

22 MR. JAROS: And goes into the
23 environment. And at this time, there are
24 very few statistics and it's frightening
25 to know that this could be a major

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2 environmental impact.

3 COUNCILMAN KENNEY: But, I
4 mean, as we move forward, technology
5 improves and 15 years ago we were
6 handling the methane out of the landfill
7 differently than we handle it now, and I
8 assume as time goes on, we'll also manage
9 that even better and then figure out a
10 way to deal with the factory farms that
11 are really causing all the methane gas.

12 MR. JAROS: Yes. There's
13 significant progress, but a lot more
14 needs to be taken.

15 COUNCILMAN KENNEY: I
16 appreciate that.

17 COUNCILMAN DiCICCO: Could I
18 just finish up here?

19 COUNCILMAN KENNEY: Yes.

20 COUNCILMAN DiCICCO: You burn
21 the bag or you cold -- what was that?

22 MR. DUNNING: Cold-flow
23 extrusion.

24 COUNCILMAN DiCICCO: But
25 there's heat involved. There's a certain

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2 amount of the bag or the bag does get --
3 you burn the bag, you melt the bag.

4 MR. DUNNING: You melt it. You
5 melt it.

6 COUNCILMAN DiCICCO: You melt
7 it. What happens to the by-product of
8 melting it? Doesn't something wind up in
9 the air?

10 MR. DUNNING: Every state we
11 operate has bag houses, and you have to
12 contain any particulates or anything.

13 COUNCILMAN DiCICCO: And how
14 much of the bag that you burn is actually
15 reused in the product?

16 MR. DUNNING: A hundred
17 percent.

18 Why don't you jump in here?

19 A hundred percent.

20 MS. NORMAN: Right. We don't
21 use an additive as like a glue. The
22 plastic as it melts adheres to itself
23 with the wood particles. So the plastic
24 bags are used in the board itself. It's
25 not burned as a by-product. They're

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2 melted into the lumber.

3 MR. DUNNING: There's 2,250
4 bags in every 16-foot three-quarter deck
5 board, like you have on your deck.

6 COUNCILMAN DiCICCO: Thank you.

7 Thank you, Mr. Chairman.

8 COUNCILMAN KENNEY: Thank you
9 very much.

10 Any other questions?

11 Councilwoman Brown.

12 COUNCILWOMAN BROWN: I don't
13 need to sound like a broken record.
14 There's a publication up here called "The
15 Wave of the Future." Going green is the
16 wave of the future, and it hopefully has
17 been made clear during these hearings
18 that Philadelphia wants to be on the
19 cutting edge of what is coming. An
20 inconvenient truth, in my view, is here.

21 So with that said, I'm curious
22 to know the think tank of your
23 operations. What are you doing to
24 respond to this impending reality with
25 regards to how you manufacture and do

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2 what you do?

3 MS. NORMAN: We recycle these
4 bags. We will buy these bags. We're
5 promoters of in-school and at-store
6 recycling programs, and we will take
7 these bags and use it in our final
8 product.

9 COUNCILWOMAN BROWN: Use the
10 bags in your?

11 MS. NORMAN: In our finished
12 product. We use that material, yes.

13 COUNCILWOMAN BROWN: Okay.

14 Sir?

15 MR. DUNNING: If we have a
16 waste, if we have a barrel that purges
17 when we start a machine up, every waste
18 that comes out of our extrusion
19 operation, we put it back through the
20 system. And I would add that we -- the
21 7th and 8th in Chicago is the U.S. Green
22 Building Council. We've been involved in
23 that for a long time. So is Trex. There
24 is -- to building a green house and
25 getting a deck, you get points on LEED

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2 certification.

3 So our product -- one of our
4 logos on our shirts is called Building
5 for the Future. Our products have been
6 made for quite a while, but it is a very
7 accepted standard LEED certification
8 credit to using a recycled decking that's
9 got all components that are recovered
10 post-consumer material, which we are.

11 COUNCILWOMAN BROWN: Okay.
12 Different question. Is it more costly
13 than those decks that are not made of
14 recycled products?

15 MR. DUNNING: Yes, it is.

16 COUNCILWOMAN BROWN: Okay.
17 Just curious.

18 COUNCILMAN KENNEY: But it also
19 lasts longer and doesn't have to be
20 painted.

21 MR. DUNNING: Lifetime
22 warranty, sir.

23 COUNCILWOMAN BROWN: Thank you.

24 COUNCILMAN KENNEY: It's good
25 stuff.

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2 COUNCILWOMAN BROWN: Thank you
3 for your testimony.

4 COUNCILMAN KENNEY: Thank you.
5 Any other questions for these
6 witnesses?

7 (No response.)

8 COUNCILMAN KENNEY: Thank you
9 very much.

10 Ray Ehrlich, Angie Chaplin, Tom
11 Preston, Elizabeth Steiner and Steve
12 Rosario.

13 Good afternoon.

14 MR. EHRLICH: Pardon me?

15 COUNCILMAN KENNEY: I said good
16 afternoon. I wasn't sure if it was
17 morning or afternoon, so I had to check
18 my phone.

19 MR. EHRLICH: It's afternoon,
20 yes.

21 COUNCILMAN KENNEY: Whoever
22 would like to start, please identify
23 yourself for the record and proceed.

24 MR. EHRLICH: I will start. My
25 name is Ray Ehrlich. I'm a Manager of

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2 Government and Environmental Affairs for
3 Dart Container Corporation. Mr. Chairman
4 and members of the Committee, I
5 appreciate the opportunity to speak.

6 I will say one thing before I
7 begin, as I will cover several points,
8 but I'd like to let you know that I do
9 hear what you say about discussing and
10 debating why we can't do things and talk
11 about some solutions that -- real
12 solutions that we can put in place, and,
13 again, I'll probably emphasize recycling.

14 I'd like to tell you a little
15 bit about Dart. Dart is a leading
16 manufacturer of a broad range of quality
17 food service products for the food
18 service retail and packaging industries.

19 Now, again, if anyone is not
20 clear, we've kind of shifted gears here.
21 We're leaving the discussion of plastic
22 bags to the discussion of polystyrene
23 food -- single-use polystyrene foam food
24 service containers.

25 Dart strives to produce

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2 high-quality, cost-effective products in
3 a manner sensitive to environmental
4 concerns, and Dart is nationally
5 recognized as a leader in understanding
6 and informing the public and government
7 about the facts about polystyrene
8 products and associated environmental
9 burdens.

10 As a responsible corporation,
11 Dart has much experience in this area.
12 We work with communities across the
13 country that are committed to the same
14 overall goals as the City of
15 Philadelphia. While we applaud your
16 efforts to preserve our environment in
17 general and decrease litter and the
18 amount of solid waste that's generated
19 and disposed of specifically, we wish to
20 respectfully convey our opposition to
21 Council Bill 070-672. We oppose efforts
22 to achieve litter and waste reduction
23 goals by banning single-use polystyrene
24 foam in food service products.

25 Kind of to frame my overall

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2 comments is that we talk about being
3 green and being sustainable. The one
4 comment I would like to make, that being
5 green or sustainability really is a much
6 larger issue than what happens to
7 products at the end of their life. A lot
8 of discussion here today is about
9 recycling and composting. There was some
10 discussion about the life cycle of
11 products, and that's really the way we
12 look at things. We tend not to look at
13 things in a vacuum and look at the whole
14 life cycle of products and any unintended
15 consequences that may arise.

16 We contend that legislative
17 initiatives which ban or severely limit
18 the use of products in the marketplace,
19 especially bans on polystyrene foam food
20 service products, are misguided attempts
21 to address these concerns. As the data
22 show, the reality is that banning
23 polystyrene food service products will
24 not contribute to achieving your goals of
25 reducing litter and reducing solid waste

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2 that's generated and disposed of.

3 Unfortunately, a primary factor in this
4 issue is one of misinformation. There's
5 a lot of misinformation about solid waste
6 and environmental issues. But factual
7 information supports this conclusion that
8 banning products will not achieve the
9 goals of litter reduction and solid waste
10 reduction. For example, banning only
11 single-use polystyrene foam food service
12 containers will not significantly reduce
13 litter.

14 I hear comments and I hear
15 discussion about the reduction of
16 disposable or single-use products. To me
17 one question that comes to my mind is why
18 are we singling out polystyrene in this
19 case.

20 COUNCILMAN KENNEY: Just let me
21 correct the conversation. We're not
22 banning polystyrene. We are requiring an
23 alternative be used if the cost of the
24 alternative is not more than ten percent
25 of the cost of the polystyrene. So

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2 Councilman DiCicco's bill is an outright
3 ban. My bill is not a ban. It's a
4 requirement to use an alternative within
5 a price range. So I want to make sure,
6 because you're speaking about banning the
7 product. We're not banning the product.

8 MR. EHRLICH: Well, then
9 everything I've said, change the word
10 "ban" to "discourage the use of."

11 COUNCILMAN KENNEY: Discourage
12 use of. Okay.

13 MR. EHRLICH: Okay. And I'll
14 try to catch that as I go on.

15 The reality is that improper
16 disposable food containers, regardless of
17 their composition, contributes to the
18 problem of litter in our environment.
19 And I think to what Councilman DiCicco
20 was saying just in the discussion prior,
21 it really doesn't matter what material
22 you talk about recycling or going to the
23 landfill or doing this or doing that
24 with. I mean, those factors, energy use
25 and transportation, they're there for

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2 every material.

3 Eliminating all food-related
4 polystyrene will simply change the
5 composition of litter. You get rid of
6 one product, another product will take
7 its place. It's really very simple.

8 Dart agrees and we strongly
9 believe that addressing the problem of
10 litter must begin by addressing
11 irresponsible human behavior that is the
12 root cause of the problem. I personally
13 have never seen any package, be it a can,
14 a bottle or plastic bag or polystyrene
15 cup, throw itself out the window or throw
16 itself on the street corner. It is not a
17 product issue. It is a human behavior
18 issue. Really, the solution lies in
19 changing human behavior of the
20 population.

21 Additionally, I'll touch on the
22 concept of biodegradation. It's really
23 not a practical or functional answer, I
24 guess, or technique to alleviate litter
25 problems, in that it actually kind of

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2 encourages -- it may contribute to the
3 problem, in that it would encourage
4 people if they mistakenly or whatever
5 believe that a material is biodegradable,
6 just to go ahead and throw it out in the
7 environment, which we think would be an
8 unintended consequence. And also as we
9 talked about, biodegradation in and of
10 itself is not a panacea. Biodegradation
11 produces methane gases and other products
12 that have to be managed. So there are
13 unintended consequences of
14 biodegradation.

15 Another point I'd like to make
16 is, banning single-use polystyrene foam
17 food service containers will not
18 significantly reduce solid waste. Not
19 only will it not reduce litter, we don't
20 think it will reduce -- our position is
21 that it will not reduce solid waste, as
22 the amount of food service polystyrene
23 that is disposed of in the U.S. is
24 actually very small. In fact, the US EPA
25 does data every two years on the waste

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2 that's generated and used and recycled
3 and disposed of in this country, and less
4 than one percent of all municipal waste
5 that's disposed of in our country is
6 polystyrene. So you're talking a very
7 small fraction.

8 The reality is that these
9 products in this area are going to go to
10 the landfill. They're going to be
11 disposed of. And I know that you pointed
12 out earlier that there are two compost
13 facilities, and, again, I just would like
14 to make sure that we talk about kind of
15 factual data and not anecdotal
16 information, in that, yes, there are many
17 compost facilities that accept organic
18 materials. However -- and they have the
19 capability to accept biodegradable
20 containers that are made from renewable
21 resources. Whether they do or not is the
22 \$64,000 question.

23 And I just have a few more
24 points.

25 Also, polystyrene foam food

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2 service products are technically very
3 easy to recycle and can be recycled as
4 part of an integrated solid waste
5 management strategy. And this is where
6 I'm going to get into what I think is
7 kind of the solution, what we can do now,
8 what's real and we can do now.

9 While it's important to point
10 out that no food service disposable
11 products are recycled in a significant
12 way -- and we can debate the meaning of
13 the word "significant" -- currently
14 post-consumer polystyrene foam food
15 service products are being recycled in
16 select locations in the United States and
17 Canada. For instance, the City of Los
18 Angeles this past July 1st added all
19 plastics, which includes polystyrene foam
20 food service containers, to their
21 citywide residential recycling program.
22 In addition, polystyrene foam lunch trays
23 are currently being recycled from the San
24 Diego school system. Actually, the firm
25 that does that is also going to testify

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2 in this panel. This firm, Packaging
3 Development Resources, is also currently
4 in negotiations with school systems in
5 Long Beach, California; Los Angeles,
6 California; New York City; and Baltimore,
7 Maryland.

8 Compare that to the reality of
9 what would happen if people -- if you
10 didn't make -- I'm not going to say ban,
11 but if people chose the most popular
12 alternative material, which is a
13 paper-based food service product. The
14 reality is that paper products are
15 usually coated with a plastic
16 polyethylene that allows them to hold
17 liquids and maintain their rigidity.
18 What that does is, it renders plastic --
19 I'm sorry; it renders paper-based food
20 service products no more degradable than
21 polystyrene, and, in fact, it prevents
22 them really from being recycled in this
23 country, because they're multi material
24 and they are not recycled by any stretch
25 in the mainstream in this country.

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2 And the last thing I would like
3 to bring up is that biopolymer-based food
4 service products, those products made
5 from renewable resources, the ones we
6 commonly refer to as biodegradable or
7 compostable products, are really
8 generating a lot of interest. Dart is a
9 global company and we are actively
10 involved in the research and development
11 activities concerning these products.
12 Our work has revealed, though, that
13 presently the biopolymer industry is
14 very -- in reality, is very small and
15 there are very few commercially viable
16 biopolymers in existence today, and I
17 stress the words "commercially viable."

18 At this time, products made
19 from biopolymers are capable of
20 displacing less than one percent of the
21 total annual pounds of polystyrene
22 produced in North America for food
23 service applications.

24 I'm not saying that five years
25 from now or in the future these products

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2 won't be viable, but as we sit today, in
3 reality, they are not -- they would not
4 be able to replace the current food
5 service products that are used.

6 Moreover, they're not priced
7 competitive with traditional plastic food
8 service products, and, again, their
9 design is to be composted, and without
10 the infrastructure as we sit today, we
11 would be making -- or we would not be
12 making -- in a lot of cases, businesses
13 would be paying more, people would be
14 paying more for these products without
15 actually having them composted, which is
16 what is intended.

17 I guess in summary what I'd
18 like to say is, a ban on single-use
19 polystyrene foam food service products --
20 again, not a ban, but discouraging the
21 use of polystyrene foam food service
22 products will not accomplish the goals of
23 reduction of litter and reduction of
24 solid waste. If all the polystyrene foam
25 in America were not used tomorrow, there

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2 would be no appreciable difference in
3 solid waste and litter. Obviously fast
4 food, food drinks, et cetera, must be
5 packaged in something.

6 Dart appreciates the
7 opportunity to be part of this process
8 and we hope that we can work
9 cooperatively toward finding reasonable,
10 achievable, fair, balanced solutions to
11 overcoming the City of Philadelphia's
12 litter and waste reduction challenges.

13 Also, we strongly believe it's
14 very important that any efforts regarding
15 these or any issues be formulated by
16 collecting and basing recommendations on
17 comprehensive, accurate and factual
18 information rather than anecdotal
19 information.

20 We respectfully request that
21 our industry be provided an opportunity
22 to work with you to address the real
23 issues facing Philadelphia, which is
24 litter of all materials, rather than
25 targeting a safe and useful,

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2 cost-effective product.

3 I have submitted written
4 comments that are much more lengthy and
5 detailed than I present here, but, again,
6 I thank you for your consideration of my
7 comments in this matter.

8 COUNCILMAN KENNEY: Just a
9 couple questions relative to recycling.

10 Los Angeles has a recycling of
11 polystyrene program.

12 MR. EHRLICH: Yes, sir.
13 Started July 1st.

14 COUNCILMAN KENNEY: Does it
15 accept used polystyrene that has food
16 product on it?

17 MR. EHRLICH: Yes. And I say
18 that, that's a -- let me clarify that.
19 It accepts food service polystyrene.
20 Naturally, any food service material,
21 whether it be polystyrene or paper, has
22 the potential to have and will have food
23 and liquid residue. Just like any other
24 recyclable that is collected in a blue
25 bin or a program, any material and any

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2 product, whether it be the aluminum
3 fraction of the glass or whatever or the
4 paper that has contamination on it, will
5 be removed from the process. So it's no
6 different really than any other.

7 COUNCILMAN KENNEY: So that
8 polystyrene container with the remnants
9 of the cheese fries that lays in the
10 curb, that's recyclable in that
11 condition?

12 MR. EHRLICH: If it's overly
13 contaminated, no, and that's the decision
14 of the recycler.

15 COUNCILMAN KENNEY: But Los
16 Angeles decides they're not going to
17 accept that; is that accurate?

18 MR. EHRLICH: The processor
19 does, yes, the processor that processes
20 the material for the city. Now, the big
21 push in Los Angeles and really the
22 efforts that are key to the program and
23 efforts that our industry is involved in
24 with the city -- and, again, this is
25 where I talk about working

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2 collaboratively -- is that it's the
3 education that you have to rinse these
4 materials. They have to be clean. If
5 they're not clean, don't put them in in
6 the first place. We're not saying we're
7 going to capture every piece of food
8 service polystyrene out there, but you'd
9 be surprised. There's a lot of clean
10 material. And I think Mr. Preston, who
11 is going to testify next, who handles the
12 school lunch tray program, which
13 obviously has the potential to be very
14 contaminated, can address these issues.

15 COUNCILMAN KENNEY: In
16 fairness, though, the school lunch tray
17 is a captive audience. It's not taken
18 out of a convenience store and eaten as
19 you walk. It's probably recollected at
20 the end of the line or at the end of the
21 day by workers who aren't prone to be
22 throwing it out the window. So, I mean,
23 in a controlled environment, I think that
24 makes a lot of sense. I think what
25 Councilman DiCicco and I get frustrated

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2 with and other members of Council is the
3 uncontrolled environment wherein the
4 material winds up, again through human
5 error, in the street because it's just
6 disposed of.

7 So I want to -- and I'll let
8 you guys testify in a minute. I just
9 want to get some basic information about
10 the Styrofoam or about the polystyrene.

11 Do you know how much Styrofoam
12 is produced in a year nationally?

13 MR. EHRLICH: I had a feeling
14 you were going to ask that question. Off
15 the top of my head, I do not. I could
16 find that out for you.

17 COUNCILMAN KENNEY: And do we
18 know how it relates to each individual
19 year prior? That would be interesting to
20 know.

21 MR. EHRLICH: How much is
22 produced and used?

23 COUNCILMAN KENNEY: How much is
24 produced this year, but how does that
25 relate to what was produced last year.

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2 MR. EHRLICH: Again, I don't
3 know off the top of my head. I could
4 find it out for you, but I generally
5 think the amount of polystyrene that's
6 manufactured or produced and used I think
7 increases slightly each year, and that's
8 primarily because the population is
9 increasing. Again, it's the thing with
10 solid waste. The amount of solid waste
11 per capita is really going down. It has
12 been going down.

13 COUNCILMAN KENNEY: But it also
14 indicates that there's not a lot of
15 recycling going on.

16 MR. EHRLICH: Well, compared to
17 other materials, if you put it in
18 relative terms, a lot of recycling,
19 you're right, but we are addressing the
20 issue. We're starting these programs,
21 and you have to start somewhere.
22 Unfortunately, Rome was not built in a
23 day. Our products have only really been
24 around for 40, 45 years; whereas, the tin
25 and the metal and the glass have been

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2 around much longer and have had more of
3 an opportunity to develop the
4 infrastructure.

5 COUNCILMAN KENNEY: What did we
6 do -- I'm 49. So what did we do prior to
7 the existence of polystyrene food
8 containers?

9 MR. EHRLICH: Way, way back
10 ago -- I mean, way, way long ago, we
11 used, I guess, reusables. We used common
12 drinking fountains, if you're talking in
13 the 19th, 18th century.

14 COUNCILMAN KENNEY: No. I'm
15 talking about, I don't know, 1950.

16 MR. EHRLICH: I've only been in
17 the industry for 16 years. I would guess
18 it would be --

19 COUNCILMAN KENNEY: Councilman
20 DiCicco, you're a little bit older than
21 me. Do you recall what you got your
22 hamburger in or your -- I guess they
23 didn't have cheese fries then -- your
24 french fries?

25 COUNCILMAN DiCICCO: Some sort

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2 of a cardboard --

3 MR. EHRLICH: Paper based.

4 COUNCILMAN DiCICCO: Which is
5 not unlike what is used today for french
6 fries, I guess.

7 COUNCILMAN KENNEY: Why do you
8 think the paper-based product was
9 replaced by this polystyrene?

10 MR. EHRLICH: I can tell you
11 why. Again, if we -- you're trying not
12 to look at this in a vacuum and we look
13 at the big picture. Polystyrene
14 packaging, really why it came to be is
15 that it performs, it does the job. It's
16 great at what it does. It's lightweight
17 and it protects the product that you use
18 and you consume. It reduces the waste.
19 The coffee that's gone cold, the soda
20 that's gone warm, the hamburger that's
21 gone cold and you wind up not eating.

22 So really packaging, a big
23 function of packaging is reducing the
24 overall waste that's created.

25 COUNCILMAN DiCICCO: Maybe if

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2 people would eat less.

3 MR. EHRLICH: If they would eat
4 less, that would be a different story.
5 If we would stop super sizing.

6 COUNCILMAN KENNEY: So we
7 really don't know right now what the
8 percentage of polystyrene food containers
9 are being recycled today?

10 MR. EHRLICH: It's very low,
11 and, again --

12 COUNCILMAN KENNEY: But there's
13 no number or study that has indicated?

14 MR. EHRLICH: Well, I can tell
15 you that the EPA waste characterization
16 study would classify it less than one
17 percent.

18 COUNCILMAN KENNEY: What's the
19 market for recycled Styrofoam?

20 MR. EHRLICH: There is a
21 growing market. For instance, I can tell
22 you briefly that in the City of LA there
23 is a company that takes their polystyrene
24 that makes interior moulding. Similar to
25 Trex takes plastic bags and makes lumber,

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2 this company makes interior mouldings
3 that are sold at Home Depot. My
4 counterpart, Mr. Preston, will testify
5 what he does with the material. But
6 there are markets. They're not, I would
7 say, as prevalent as some other products,
8 but there are markets.

9 COUNCILMAN KENNEY: Okay. Just
10 a few more background questions.

11 When Styrofoam is heated either
12 in a microwave or by very hot food, is
13 there a leaching effect that can occur?
14 If my hamburger got cold and I put it in
15 the microwave for a minute, minute and a
16 half, would the heated polystyrene leach
17 onto the food?

18 MR. EHRLICH: I'll answer that
19 by saying of course there's leaching of
20 all materials, paper cup, polystyrene
21 cup. Any container, tin, metal, will
22 leach some molecules of material. But
23 the scientific studies have shown that
24 the amount of material that's leached
25 through food contact products is so

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2 minuscule as not to be a health concern
3 or health and safety concern.

4 COUNCILMAN KENNEY: What is it
5 made out of?

6 MR. EHRLICH: Polystyrene?
7 It's made out of styrene.

8 COUNCILMAN KENNEY: That
9 doesn't tell me.

10 MR. EHRLICH: Styrene and hair.
11 Polystyrene essentially is polystyrene --
12 styrene is a monomer. It has to do with
13 the number of molecules that make up the
14 chemical. Polystyrene just means a chain
15 of those styrene molecules.

16 COUNCILMAN KENNEY: And what
17 are those chemicals that are chained
18 together to make --

19 MR. EHRLICH: Styrene. I mean,
20 are there other things used?

21 COUNCILMAN KENNEY: What makes
22 styrene?

23 MR. EHRLICH: Well, it's
24 ultimately from natural gas and
25 petroleum.

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2 COUNCILMAN KENNEY: So it's a
3 petroleum product?

4 MR. EHRLICH: Yes.

5 COUNCILMAN KENNEY: So the
6 leaching, the potential leaching, even
7 though it's minuscule by your testimony,
8 is a petroleum leach.

9 MR. EHRLICH: Well, I don't --

10 COUNCILMAN KENNEY: What is
11 leaching potentially in a microwaved
12 polystyrene container is a petroleum
13 product.

14 MR. EHRLICH: Well, I don't
15 know if we can actually say that, and I'm
16 going to say that I'm not --

17 COUNCILMAN KENNEY: If it's
18 made out of petroleum, what else would it
19 be?

20 MR. EHRLICH: I understand. A
21 petroleum by-product. But you're talking
22 very technical and very scientific
23 information, and I can't answer that.

24 COUNCILMAN KENNEY: Put it this
25 way: Is there any --

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2 MR. EHRLICH: The bottom line
3 is --

4 COUNCILMAN KENNEY: Is there
5 any compound, whatever the poly is,
6 whatever the elements of the poly is, is
7 any of it ingestible?

8 MR. EHRLICH: Ingestible?

9 COUNCILMAN KENNEY: Yes.

10 MR. EHRLICH: Yes. If it
11 migrates to the food, you're going to
12 ingest it.

13 COUNCILMAN KENNEY: No, no, no.
14 Of the poly --

15 MR. EHRLICH: Would I eat a
16 polystyrene cup?

17 COUNCILMAN KENNEY: Yeah.

18 MR. EHRLICH: If you want me
19 to, I would. No, sir, I would --
20 basically it would pass through my
21 system, just like gum or anything else.
22 We don't encourage people to eat
23 polystyrene, but the bottom line is,
24 these products have been used safely for
25 40-some years -- and I think I sent this

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2 information to Sarah and some others --
3 have been used safely for 40-some years,
4 approved by the Food and Drug
5 Administration for use in food contact,
6 and the safety of these products is not
7 an issue.

8 COUNCILMAN KENNEY: Is there a
9 US EPA study of fat biopsies from human
10 subjects that found styrene residues in a
11 hundred percent of the samples tested?

12 MR. EHRLICH: Probably. You
13 know why?

14 COUNCILMAN KENNEY: Why.

15 MR. EHRLICH: Styrene is a
16 naturally occurring chemical. It's in
17 strawberries. It's what gives cinnamon
18 its taste. It's in the air we breathe.
19 All of us will have styrene in our
20 tissue.

21 COUNCILMAN KENNEY: It's a
22 naturally occurring substance?

23 MR. EHRLICH: Yes.

24 COUNCILMAN KENNEY: That's made
25 from petroleum?

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2 MR. EHRLICH: No. There is
3 styrene that is a naturally occurring
4 substance. There's also styrene that is
5 produced --

6 COUNCILMAN KENNEY: Okay.

7 MR. EHRLICH: -- through the
8 by-products of the petroleum
9 distillation. That is why you will find
10 styrene in human tissue.

11 COUNCILMAN KENNEY: We had
12 another witness that was in a car
13 accident. The person is fine, but can't
14 make it here today, which is representing
15 a company called Green Wave, and I just
16 want to in your testimony if you can
17 comment as you're testifying on this
18 particular statement and whether it's
19 true, not true or what your opinion of it
20 is.

21 Green Wave biodegradable
22 products are made of health conscious
23 natural fiber such as sugarcane, grass
24 and reed plasma. Given that raw
25 materials are available in China, we are

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2 able to remain competitive without
3 exploiting the natural environment or
4 disturbing the ecological system.
5 Therefore, the product is a total green
6 product and is the best substitute for
7 non-environmental friendly products such
8 as Styrofoam and plastic.

9 And I'm sure you'll disagree
10 with that, but that's what the statement
11 is.

12 The biodegradable container
13 packaging material consists of three
14 major contents of ingredients: 96
15 percent natural fibers, 2.3 percent
16 water, and a biodegradable mixture. It
17 can withstand hot and cold food unlike
18 traditional rigid packaging. Our Green
19 Wave products are biodegradable in water,
20 soil and compostable materials.

21 One of the potential
22 alternatives is a product like this. Any
23 comment you'd want to make about what was
24 read?

25 MR. EHRLICH: Well, there's a

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2 lot of things I can comment in that short
3 passage, but essentially there are a lot
4 of companies out there that are promoting
5 biopolymers and biodegradable packaging,
6 and I can tell you from our research as a
7 global company looking to produce these
8 products, as we sit today, they may have
9 a product that does all that. Do they
10 produce it at the level that could supply
11 the City of Philadelphia or any other
12 major city? Is the cost realistic and
13 compared to existing food service
14 products?

15 I'm just saying that -- in my
16 testimony I stated that as we sit today,
17 if you got rid of all the polystyrene
18 food service products and you went to
19 fill the void with biodegradable
20 products, you wouldn't be able to do it.

21 COUNCILMAN KENNEY: Does it
22 make economic sense or, I guess, free
23 market sense that if we did something
24 like requiring an alternative use, an
25 alternative product and set a window

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2 wherein you could not exceed the cost,
3 like ten percent, would that not propel
4 companies like this and maybe even
5 companies like your own towards trying to
6 get both the price down and the
7 availability up?

8 MR. EHRLICH: Yes. I mean --

9 COUNCILMAN KENNEY: Is that an
10 incentive?

11 MR. EHRLICH: Yes, it's an
12 incentive. I mean, those activities are
13 going on as we speak. So we're trying to
14 produce a product made from renewable
15 resources that can do the job that
16 polystyrene does, is cost effective and
17 has the same or less environmental
18 impacts.

19 COUNCILMAN KENNEY: But right
20 now there's no competition and there's no
21 incentive for competition. If this
22 particular bill were a law, there would
23 be an incentive for this type of
24 development and competition and
25 production and availability and price,

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2 and until they reach that level, they
3 wouldn't be in the game. So it would
4 seem to me that this would kind of push
5 that in the right environmental direction
6 to replace the polystyrene product with
7 the more naturally occurring.

8 MR. EHRLICH: I understand what
9 you're saying and, yes, it probably would
10 add incentive, but there is plenty of
11 incentive right now. And I'm not saying
12 that there isn't and I'm not saying that
13 these products five years from now may be
14 as common as any other product, but right
15 now discouraging the use of what's
16 existing for those products, if what you
17 said is we're not talking about banning
18 our products, we're here about
19 encouraging use of alternative products,
20 I think that's fair.

21 COUNCILMAN KENNEY: Okay.

22 I'm sorry. Please identify
23 yourself, whoever is next.

24 MR. EHRLICH: I'm sorry.

25 Mr. Preston is going to go second.

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2 COUNCILMAN KENNEY: Please.

3 MR. PRESTON: Tom Preston with
4 Packaging Development Resources, and
5 thank you for your time today,
6 Councilmembers.

7 First, a background on who we
8 are.

9 Packaging Development Resources
10 began reclaiming polystyrene foam from
11 school cafeterias in San Diego city
12 schools and have expanded beyond that in
13 San Diego County, Orange County and Los
14 Angeles County. To date this year, we've
15 eliminated 150,000 pounds of polystyrene
16 foam from -- diverted that from landfill.
17 And looking into 2008, that number will
18 grow from 150,000 pounds to 2.5 million
19 pounds, based upon the numbers that we
20 have from the school districts within the
21 area, expanding beyond schools into other
22 food service cafeterias, including
23 prisons and other government
24 institutions. And the process that we
25 undertake is that we are cleaning the

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2 material inside our facility and
3 returning it from a food service
4 disposable, be it a plate, a lunch tray,
5 into plastic resin or plastic flake,
6 either of which are usable by the
7 industry. And differing levels of energy
8 and heat go into manufacturing these
9 products, but there's opportunities to
10 reduce the overall environmental impact
11 through which those products are best
12 suited.

13 The process that we are running
14 in our facility has been registered with
15 the FDA, and we have a no objection
16 letter that this recycled content
17 post-consumer material is suitable for
18 reintroduction back for food contact. So
19 we're completing a closed loop.

20 To address a question,
21 Chairman, that you raised earlier, can
22 the other non-captive audience materials
23 be returned into the end markets. They
24 can. The question is can we clean them.
25 And our first step was to address captive

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2 audiences and then move beyond that. But
3 the answer is is that yes, it can. It's
4 just a question of which application.

5 As I had mentioned, we are
6 working with the cafeterias in California
7 today. Our intention is to expand this
8 program, and as Ray had mentioned
9 earlier, New York City and Baltimore
10 schools are very anxious to proceed with
11 pilots of our program.

12 COUNCILMAN KENNEY: I'm sorry.
13 Are there facilities in this part of the
14 country?

15 MR. PRESTON: Not yet.

16 COUNCILMAN KENNEY: And how
17 many facilities are you aware of? How
18 many competitors do you have?

19 MR. PRESTON: Right now we have
20 a single facility handling southern
21 California, and this process has been
22 around since 1992. The other facility
23 right now is in Boston within the school
24 district.

25 COUNCILMAN KENNEY: That's your

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2 company also?

3 MR. PRESTON: No, that is not.

4 That's run by the Boston city schools.

5 COUNCILMAN KENNEY: But

6 somebody has to take the material?

7 MR. PRESTON: Yes.

8 COUNCILMAN KENNEY: But are

9 there companies on the East Coast or in

10 this area that would, if the School

11 District theoretically collected it,

12 would they pick it up?

13 MR. PRESTON: In a heartbeat.

14 COUNCILMAN KENNEY: How many

15 companies are there?

16 MR. PRESTON: There are at

17 least a half dozen that I've been in

18 direct contact with, and I'm sure there's

19 more.

20 COUNCILMAN KENNEY: All right.

21 Thank you.

22 MR. PRESTON: The availability

23 of material really is the issue for

24 completing or increasing the

25 recyclability of this material. Right

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2 now we cannot produce enough material to
3 satisfy the need of the scale of
4 producers.

5 To address some of the --
6 Chairman, some of the things that you
7 brought forward about the material,
8 sugarcane is a polysaccharide, so it's
9 another polymer that is occurring as a
10 naturally occurring polymer, but it is
11 being converted into a lot of the
12 biopolymers or the eco-friendly
13 materials. The source of the material is
14 really what is important, as we learned
15 through our discussion and ultimately
16 approval or no objection from the FDA.
17 It's the source of the material as well
18 as the ability to convert that into a
19 clean and consistently clean material
20 that's safe for humans.

21 One thing that I would raise is
22 that as you look at materials sourced
23 from elsewhere besides North America, the
24 standards are different. So that's
25 something that we're very conscious of.

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2 Our material does not go to Asia because
3 we feel that there's a -- we have a
4 process that's safe and is consistent and
5 can stay right here and help the
6 converters who are producing these
7 products increase their recycled content
8 and thus --

9 COUNCILMAN KENNEY: I'm sorry.
10 But the product specification I read to
11 you from Green Wave is not a recycled
12 material.

13 MR. PRESTON: No, but it's a
14 natural material, and the standards for
15 any material that's being put into a food
16 contact vessel, whether it's a plate, a
17 cup, whatever, is different when you're
18 manufacturing in China, even when you're
19 manufacturing in Canada relative to North
20 America.

21 COUNCILMAN KENNEY: I don't
22 think they're manufacturing in China. It
23 says given that raw materials are
24 available in China. It's manufactured
25 here.

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2 And then the other product that
3 I'm aware of is made from corn. I think
4 it's a corn-based product also.

5 MR. PRESTON: If you're talking
6 about PLA, the concern that I would raise
7 to you as just from my understanding in
8 looking at other opportunities for our
9 company, the PLA is made from genetically
10 modified corn. So, yes, it's a natural
11 material, but there has been some change
12 to that versus regular feedstock.

13 COUNCILMAN KENNEY: Kind of
14 more attractive than petroleum.

15 MR. PRESTON: I'm sorry?

16 COUNCILMAN KENNEY: Certainly
17 more attractive than petroleum. Fair.
18 Okay. Corn or petroleum, what should I
19 eat?

20 MR. EHRLICH: But, Councilman,
21 you have to think again the big picture,
22 how much petroleum and resources and fuel
23 and energy does it take to produce that
24 corn.

25 COUNCILMAN KENNEY: I

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2 understand.

3 Please. I'm sorry.

4 MR. PRESTON: One of the things
5 that has been discussed a number of times
6 through the bill is education. One of
7 the things that our program does is help
8 to educate the children who are coming --
9 they're the next wave of folks who are
10 consumers, and much different than folks
11 who are out in the world today where
12 there's a blend of those who are
13 conscious to recycling and some who are
14 less adherent to the recycling, either
15 the legislation or the general practice,
16 the kids get it. They understand. And
17 helping to foster that and proliferating
18 more recycling programs where we can
19 catch these young minds and train them
20 into being recycling-minded individuals
21 as they grow older is an important piece
22 of what the schools see and important
23 part of what we do with our program as
24 well.

25 Thank you very much.

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2 COUNCILMAN KENNEY: Thank you
3 very much.

4 Please identify yourself for
5 the record.

6 MS. CHAPLIN: Good afternoon.
7 My name is Angie Chaplin. I'm from Solo
8 Cup Company. And before I get started, I
9 have been asked to make you aware that
10 our trade group, which is the Plastics
11 Food Service Packaging Group, won't be
12 testifying today, but they have submitted
13 written testimony for you and you should
14 have that dealing with the food service
15 ware waste reduction bill.

16 COUNCILMAN KENNEY: Thank you.

17 MS. CHAPLIN: I want to take
18 just a few minutes this afternoon to
19 introduce Solo Cup Company and share with
20 you a few points that we believe you'll
21 find valuable as you consider various
22 solutions to the issue of litter in
23 Philadelphia.

24 Single-use products such as
25 those manufactured by Solo play an

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2 important role in the safe and secure
3 preparation, service and consumption of
4 foods and beverages. As a global
5 supplier of single-use products, Solo
6 uses a variety of materials, both paper
7 and plastic and polystyrene, and that's
8 very important to us and to our
9 customers, because they need to have
10 options.

11 We do use both paper and
12 polystyrene to make the cups and the
13 plates and the bowls that are used in
14 homes that we can all purchase at retail
15 and also to make the food service
16 containers that you get things from at
17 the grocery and deli counters and at
18 take-out restaurants.

19 We work to meet the demand for
20 durable, affordable packaging that is,
21 first of all, safe so that consumers
22 aren't injured while using our product or
23 put at risk by the product that is
24 carried in our container, such as a hot
25 beverage, for example.

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2 We also need to make sure that
3 our products meet government regulations,
4 FDA regulations, for food contact so that
5 food is not contaminated.

6 And, finally, we do work to
7 address issues of sustainability. In
8 fact, Solo has got a longstanding
9 commitment to innovation driven by
10 consumer needs and desires. We've been
11 researching and testing environmentally
12 friendly products for more than a decade,
13 and that includes
14 biodegradable/compostable products, as
15 well as renewable resource materials and
16 recycled content materials in our
17 products.

18 We also think it's very
19 important that we work with our customers
20 to make sure that they understand the
21 material options that they have and the
22 life cycle analysis of those materials
23 and also looking at what their disposal
24 options are in their communities with any
25 given material so that they can make the

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2 best choice for their performance
3 requirements for the product, for their
4 consumers' needs and for the disposal
5 options at the end of the product life
6 cycle.

7 So my first point that I'd like
8 to make is that because our products do
9 hold food that is consumed, safety and
10 efficacy is of primary importance to our
11 customers and to us. For health and
12 safety reasons, 100 percent recycled
13 content materials are not always the most
14 appropriate solution for certain food
15 service items. Solo was in fact the
16 first company to gain FDA approval for
17 its ten percent post-consumer fiber hot
18 cup. That took about eight years to get
19 done and it required extensive
20 collaboration and partnering with our
21 customer and our suppliers to develop
22 material that would perform the way it
23 needed to and that would also gain
24 government approval for use of a recycled
25 material in a product that would hold a

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2 beverage.

3 On the point of renewable
4 resource materials, which is the
5 statement that you read from from that
6 brochure, they certainly are becoming a
7 more and more viable alternative, but
8 they're still very new. They're still
9 very, very new, and they still have many
10 performance issues. The corn product
11 that you mentioned is polylactic acid, or
12 PLA. We are developing products that use
13 PLA. They do have performance issues
14 having to do with the low temperature at
15 which they melt, for example, and those
16 issues are still being worked through.
17 We have not yet -- we're getting close,
18 but we have not yet developed a product
19 that will perform the way our customers
20 and consumers need them to.

21 A second point on that has to
22 do with your question about would
23 legislation like this help incent lower
24 prices. Over the long term, probably so,
25 but there are a lot of trade-offs that go

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2 along with these issues, and one of them
3 is, as has been mentioned, supply of
4 these new materials is still very
5 limited. That makes them more expensive.
6 A lot of the suppliers are waiting to see
7 what the demand will be before they
8 produce as much as some of us might like
9 to have to continue the research and to
10 start really making things with them.

11 So at least for the time being,
12 it's still very important that there are
13 quite a few options available so that our
14 customers can meet their needs, their
15 consumers' needs, we can meet safety
16 needs and FDA requirements. So there are
17 a lot of trade-offs involved.

18 My second point, then, is that
19 considering all these factors, safety,
20 public health, consumers' desires for
21 convenience and other things, the best
22 strategy for food service items today is
23 to ensure that they're used prudently and
24 disposed of properly rather than banning
25 a particular material or discouraging the

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2 use of a material or mandating use of one
3 over another.

4 As has been said, most of the
5 food service packaging here in the
6 Philadelphia area does go to landfills,
7 and compostable or biodegradable
8 materials won't decompose in a landfill,
9 which is a misunderstanding, that things
10 decompose there, and they don't.

11 So even if we were able to
12 produce a lot of that kind of product
13 today, which we can't yet, and even if
14 consumers are willing to pay a lot more
15 for it, which is another question, it
16 would not end up in a place where it
17 could compost or biodegrade as they had
18 expected when they paid for it. So
19 that's an issue.

20 So the most important take-away
21 there is that --

22 COUNCILMAN KENNEY: Let me ask
23 you a question on that regard. Is it
24 better, worse or the same to have a
25 natural product in the landfill or

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2 polystyrene?

3 MS. CHAPLIN: It's the same,
4 because in most landfills none of them
5 will break down because --

6 COUNCILMAN KENNEY: But if it's
7 not in a landfill, if it's in a
8 compost --

9 MS. CHAPLIN: If it's in an
10 industrial composting facility that --

11 COUNCILMAN KENNEY: It will
12 degrade.

13 MS. CHAPLIN: -- has the
14 technical capability to degrade it. And
15 really the big issue there today is one
16 of infrastructure, limited numbers of
17 those facilities and an even fewer number
18 of facilities who will accept some of
19 these materials, even though --

20 COUNCILMAN KENNEY: Will the
21 polystyrene ever degrade?

22 MS. CHAPLIN: The
23 polystyrene -- all of our products are
24 recyclable in the right kind of facility.

25 COUNCILMAN KENNEY: Will it

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2 degrade?

3 MS. CHAPLIN: Degrade? No.

4 COUNCILMAN KENNEY: Is it
5 biodegradable?

6 MS. CHAPLIN: It is not
7 biodegradable.

8 So the most important take-away
9 on that last point is that mandating
10 compostable or biodegradable products
11 without the proper collection or disposal
12 infrastructure means that consumers will
13 pay higher prices, but they won't get the
14 benefit that they thought that they paid
15 for.

16 COUNCILMAN KENNEY: But for the
17 record, they won't pay higher than ten
18 percent under this piece of legislation.

19 MS. CHAPLIN: Understood.

20 And my third point, finally,
21 is, we agree litter is a bad thing, and
22 we don't want to see litter either, but
23 we know that by working together,
24 programs can encourage behavior changes,
25 and that's really the issue, that litter

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2 is a behavior issue as opposed to an
3 issue of one type of material or another.

4 COUNCILMAN KENNEY: I just want
5 to -- I hate to keep interrupting you,
6 but I want to get the points as you're
7 making them.

8 Hypothetically, if one of these
9 products made from either sugarcane or
10 from corn was side by side in the gutter
11 next to a polystyrene container, would
12 eventually the natural product fade away?
13 So in rain --

14 MR. PRESTON: No.

15 MS. CHAPLIN: No, it wouldn't.

16 COUNCILMAN KENNEY: So their
17 statement that Green Wave products are
18 biodegradable in water, soil and
19 compostable material is wrong?

20 MS. CHAPLIN: It needs to be in
21 an industrial composting facility.

22 COUNCILMAN KENNEY: Even if it
23 sat at the curb ten years, the natural
24 one would not go away?

25 MR. PRESTON: No.

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2 COUNCILMAN KENNEY: Well, that
3 was the question I had asked them when I
4 met with them, and they said absolutely.
5 So I'm sorry the guy had the car accident
6 today, because he could have perhaps
7 enlightened us a little more.

8 MR. EHRLICH: Councilman, the
9 word will it degrade, what time frame are
10 we talking? If it degrades in years,
11 that's still litter, and litter is the
12 issue.

13 COUNCILMAN KENNEY: I
14 understand. I'm talking about as far as
15 whether or not the natural product goes
16 back to a natural state, and you're
17 saying no.

18 MS. CHAPLIN: No.

19 MR. PRESTON: Sustainable
20 Packaging Coalition is one group that's
21 trying to address that very question, how
22 do you standardize, how do you develop a
23 term for biocompostable, because there is
24 nothing today. Anyone can stamp their
25 product biocompostable/compostable

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2 without repercussion, because there has
3 been no standard established for
4 packaging or for the specific materials.
5 So it's uncharted territory, so there are
6 folks that are taking license in their
7 claims.

8 COUNCILMAN KENNEY: I'm sorry.

9 MS. CHAPLIN: So just to
10 summarize my three main points then,
11 first is that single-use food service
12 products must be safe and they must meet
13 government regulations for food contact.

14 Second, that before
15 biodegradable and compostable products
16 can make a real difference, there must be
17 an infrastructure in place to collect and
18 dispose of them properly.

19 And, finally, that litter is an
20 issue of behavior and not one of material
21 type.

22 So I thank you for listening to
23 our comments, and we hope that we can
24 work with you to help solve these
25 problems.

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2 COUNCILMAN KENNEY: Thank you
3 very much.

4 Whoever else is to testify.

5 MS. STEINER: Good afternoon.

6 I'm Betsy Steiner. I'm the Executive
7 Director of the Alliance of Foam
8 Packaging Recyclers. I appreciate the
9 opportunity to talk to you this
10 afternoon.

11 I wanted to address one of the
12 questions that you brought up earlier
13 that I can answer for our industry. We
14 represent expanded polystyrene transport
15 packaging manufacturers that do
16 manufacture polystyrene-based products
17 but also manufacture and distribute other
18 packaging-based products as well.

19 Our industry in 2006
20 experienced a severe decline in the
21 amount of material it produced in virgin
22 resin, 166 million pounds down from 222
23 in 2004. A lot of that, as you can
24 imagine, is due to some displaced
25 manufacturing in the Pacific rim. But of

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2 the 166 million pounds that were produced
3 in the U.S., we recycled 32 million of
4 post-consumer and post-commercial waste,
5 and that's in addition to the
6 post-industrial. So just to give you an
7 idea. And that's up seven million pounds
8 on the post-consumer, post-commercial
9 from 25 million pounds in 2004.

10 There's been a lot of comments
11 today, and I think that there's a hundred
12 different ways to look at a lot of the
13 questions that have been posed. Our job
14 at the Alliance of Foam Packaging
15 Recyclers and a lot of our focus has been
16 to look at what works, because there are
17 a lot of different ways to get at this
18 equation.

19 One of the things that we've
20 been talking about today is biodegradable
21 alternatives. Our industry early on in
22 the loose fill, the peanut product line,
23 developed biodegradable, compostable,
24 whatever term you want to use, peanut
25 alternatives. They cost more to make,

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2 but were made available and at a matching
3 cost so that -- just to make that
4 available. They don't sell. Nobody
5 wants to buy them. So even in the event
6 that our industry is providing the
7 alternative product, it doesn't sell when
8 offered at the same price. And, again, I
9 want to just emphasize it costs more to
10 manufacture than the virgin product.

11 COUNCILMAN KENNEY: Well, so
12 you understand, that bill will not be
13 pursued, because two reasons. Number
14 one, what's produced here is being sent
15 out somewhere else. So let them deal
16 with it. And the other problem is issues
17 of interstate commerce. It was trucking
18 and all other kinds of things that
19 complicated it to the point where it's
20 not going to be pursued.

21 MS. STEINER: I understand. I
22 had talked with Sarah. My office had
23 talked with Sarah and we had understood,
24 and we still wanted to provide some
25 comments -- I'll make them very brief --

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2 that we think will be valuable in looking
3 at some of the other issues that you're
4 addressing.

5 The one thing that we saw in
6 the mid 1990s was a lot of companies that
7 did substitute alternative products
8 because of product restrictions, product
9 bans, whatever you want to call them,
10 being brought forward in the Legislature,
11 and they didn't actually pass into law,
12 but during the period that they were
13 being proposed, there were several
14 companies that in a reactionary mode
15 moved to alternative paper-based products
16 or non-polystyrene products. We saw a
17 lot of return come back. Borders Books,
18 Electrolux, John Deere, all of these
19 companies, Xerox Corporation, quickly
20 returned to polystyrene because it does
21 the best job for its application.

22 One of the things that we're
23 working on right now is improving our
24 recycling. We've had a hard job of
25 getting participation and collaboration

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2 from the other groups that we need to
3 step up to the plate if this is going to
4 work. We're concerned that in any way
5 that a government entity projects out
6 there that product restrictions -- again,
7 I don't want to get tripped up on the
8 terminology -- is a solution that we're
9 going to see decrease in our recycling
10 efforts. We're working right now with
11 Dell Computer on a global initiative.
12 We're working with Santa Fe Pastore out
13 of Pennsylvania on a return program. And
14 just to let you know, at our rate right
15 now of 19 percent, we're looking at the
16 possibility of jumping up to 40 and 50
17 percent, matching what you're doing, if
18 we can get these major companies to step
19 up to the plate and participate in the
20 process.

21 We are concerned that if
22 government agencies like the City of
23 Philadelphia are to send out a message
24 that one of the solutions is to label
25 certain products as environmentally good

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2 or bad, that we remove the critical
3 thinking type of education we've been
4 trying to promote and it would
5 potentially have a reverse impact on our
6 ability to jump our recycling efforts
7 forward based on the 15 years that we've
8 got invested to date.

9 COUNCILMAN KENNEY: So are you
10 suggesting that in areas of the country
11 where there's been restrictions or
12 legislation, recycling rates have gone
13 down?

14 MS. STEINER: No. We have not
15 seen legislation for our products
16 actually gone into effect. We've seen it
17 proposed, and typically it has not
18 actually been passed into law.

19 COUNCILMAN KENNEY: And has the
20 proposals resulted in a reduction in
21 recycling?

22 MS. STEINER: What happened is
23 is that the proposals resulted in a
24 knee-jerk reaction for companies to
25 switch to other products.

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2 COUNCILMAN KENNEY: Right. And
3 that didn't work for them?

4 MS. STEINER: No.

5 COUNCILMAN KENNEY: So they're
6 back using your product again?

7 MS. STEINER: Yes.

8 COUNCILMAN KENNEY: So the
9 discussion of whether it's good, bad for
10 the environment, non-biodegradable,
11 whatever it is, actually, in your view,
12 reduces the desire to recycle?

13 MS. STEINER: No. It reduces
14 the facilitation of recycling.

15 COUNCILMAN KENNEY: I don't
16 understand how that could be.

17 MS. STEINER: In my opinion,
18 what happens is that by labeling the
19 products, it just perpetuates the myth
20 that this is a bad product and we
21 shouldn't invest any time or energy in
22 it.

23 COUNCILMAN KENNEY: All right.

24 MS. STEINER: That it's bad
25 just because it's plastic.

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2 The other comment that I wanted
3 to make is about the -- and I think this
4 gets to some of the discussion we've had
5 in terms of the biodegradable products.
6 There is a lot of what's called green
7 washing, and I think that some of the
8 statements that you read out of the
9 brochure looking at the alternative
10 biodegradable products really would not
11 fall under the Federal Trade Commission
12 Environmental Marketing Guidelines, and
13 what they recommend is a recommended
14 method of promoting the environmental
15 performance of one product over another,
16 especially in a comparative mode.

17 We disagree that a product
18 preference bill would place Philadelphia
19 on the cutting edge, and we think that it
20 makes sense to really look at what works
21 in application. We would appeal to the
22 Committee that you help us in working
23 with companies and with the citizens to
24 help promote the recycling efforts that
25 we've got underway so that we can build

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2 on that.

3 COUNCILMAN KENNEY: Thank you.

4 Your comment relative to raising the
5 issue in a governmental forum to me is
6 proof that we all brought you here today
7 because we introduced legislation, and
8 asking for our cooperation in recycling
9 should probably increase the recycling
10 and not, as you stated earlier, have a
11 chilling effect on the desire for a
12 company to recycle. Because if we hadn't
13 introduced the bills, we wouldn't be
14 having this discussion and we wouldn't be
15 talking about recycling any of this
16 material.

17 MS. STEINER: Well, I
18 understand your point, but I don't think
19 that that really applies to the fact that
20 we have been -- we've had a demonstrated
21 recycling record of 12 percent
22 post-consumer since 1995. And we are
23 looking to jump that up higher.

24 COUNCILMAN KENNEY: So it's 12
25 percent now since '95?

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2 MS. STEINER: Pardon me?

3 COUNCILMAN KENNEY: It's 12
4 percent as we speak?

5 MS. STEINER: Right now it's 19
6 percent based on the post-commercial and
7 post-consumer alone.

8 COUNCILMAN KENNEY: So we went
9 up from 12 to 19 since '95?

10 MS. STEINER: No; since 2004.

11 COUNCILMAN KENNEY: Okay.
12 Fine. All right.

13 MS. STEINER: Thank you.

14 COUNCILMAN KENNEY: Thank you.

15 Please identify yourself.

16 MR. ROSARIO: My name is Steve
17 Rosario. I am the Director of the
18 Northeast Regional Office for the
19 American Chemistry Council.

20 The Committee has been very
21 patient today, and we definitely
22 appreciate the generosity of time that
23 you have given the various panels. We're
24 not used to that. Many times we are
25 often rushed into saying our peace, and

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2 as you can see, there is certainly
3 passion on this side of the issue and
4 you're going to see passion on the other
5 side of the issue, which is to be
6 commended. We thank the Chair and the
7 members of the Committee for this
8 opportunity.

9 I am not going to read my
10 testimony. I'm not going to repeat what
11 others have said. You've sat here a long
12 time and I know that we're getting to the
13 end of this session.

14 Earlier today, Councilman
15 Kenney, you had made a comment to the
16 effect that in venues like this, you
17 could always come up with reasons not to
18 do something. I think what we have tried
19 to demonstrate today is that we are not
20 doing anything, but as an industry, both
21 on the plastics side and on the business
22 of chemistry side, that we have been
23 engaged in recycling. We have been
24 working with recyclers, and not just
25 yesterday or the day before, but we've

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2 been at this game for many, many years.

3 And when you look at the business of

4 chemistry and the plastics industry, here

5 in Pennsylvania; for example, just on the

6 business of chemistry side, when most

7 people think of that, they'll think of

8 New Jersey, your neighbor right here, or

9 Louisiana. But when you look at the

10 numbers, based on the value of product

11 that is actually made in this state, you

12 are ranked number five. So you are right

13 up there in terms of a presence. Maybe

14 that will help understand a little bit

15 why the stakes can be so high on such an

16 issue related to plastic bags or

17 polystyrene or any other plastic or

18 chemistry issue.

19 What I'd like to perhaps do is

20 maybe step back a little bit and kind of

21 look at some of the conversation from a

22 couple of feet away. And one of the

23 things that I have noticed over the years

24 and at least from what I've been doing is

25 that I've never been able to understand

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2 when public policy was being made that
3 you always had to have a win-lose
4 situation where somebody wins and someone
5 loses. As it relates to some of these
6 issues, we have been engaged in other
7 venues, as you've heard, and one of the
8 things that we've noticed as almost a
9 trend is a situation where legislators
10 have been viewing or trying to view what
11 is going on in terms of a win-win
12 situation, where they have gotten
13 stakeholders together, stakeholders that
14 in many instances are very disparate in
15 their views, to try and build common
16 ground and consensus. And granted the
17 caveat is that is a difficult path. That
18 is not easy at all. But it has succeeded
19 and it has succeeded in other
20 jurisdictions and venues.

21 As Councilman DiCicco had
22 mentioned, there are no silver bullets
23 here. There are going to be consequences
24 no matter what you do, but I think the
25 point is that any decision that the City

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2 Council ultimately comes to has to be
3 based on the fullest picture possible of
4 all the information, of all the warts for
5 any product, be it plastic or paper.

6 By acknowledging the benefits
7 and the challenges, not only of plastic
8 products but of paper and other
9 materials, I think the City Council
10 recognizes something that has not been
11 said here. Maybe I will say it. Yes,
12 there is a need for a sustainable
13 environment. No question about that. I
14 think you've heard that we believe in
15 that as well. But there is also a need
16 for a viable economy, and I think you've
17 heard that said in just so many words.
18 And I think what we're also saying is
19 that we want to be part of that solution,
20 and that to be excluded from that
21 solution may not lead to the best public
22 policy.

23 One of the interesting things
24 that I hear often times -- and I heard it
25 here today -- is, well -- many times

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2 people think that I just spend my time in
3 city councils and state legislatures and
4 state capitals. I have been quite
5 fortunate to visit many of my facilities,
6 hundreds as a matter of fact. And when I
7 walk through the plant, what I see is
8 anything but the mantra of either big
9 industry or big corporations. What I see
10 are ordinary people, men and women,
11 white, African-American, Latino, Asian,
12 young, senior, who are, in essence, your
13 neighbors. They send their kids to the
14 same schools and have the same struggles.

15 So we would hope that the City
16 Council would keep that in mind when we
17 talk about big oil or big chemistry or
18 big this or big that, that in many ways
19 we're really talking about our neighbors.

20 What we're dealing with here is
21 very complicated stuff, and that's a
22 technical term of art for anyone. It's
23 chemistry and polymer science. And we've
24 heard some of the questions that have
25 been asked, and we would invite this

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2 Committee into one of our facilities to
3 see what we do and how we do it. In
4 essence, to see what I see when I walk
5 through a facility. And it can be one
6 that makes an original virgin product or
7 a recycled one or both, if the Committee
8 has the time to do a tour like that.
9 Because when you're dealing with
10 chemistry and polymer science, what
11 you're dealing with is exact formulations
12 for specific applications. You are
13 talking about moving molecules in things
14 that to this day I still don't
15 understand.

16 So, Councilman, when you use
17 the example of a foam cup in a microwave,
18 that foam cup was not made to be put in a
19 microwave. That is an inappropriate
20 application, and we have warnings. Just
21 like when you buy anything at the store,
22 a lot of times labels will say do not do
23 X, Y, Z. It would be like me buying a
24 hammer to bang in some nails, but then
25 use it to try and take off a bolt on my

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2 tire rather than a wrench. I think the
3 manufacturer of that hammer would say,
4 You shouldn't be using a hammer to remove
5 the bolt. Use a wrench. And,
6 unfortunately, we always don't use common
7 sense. I know I haven't on any number of
8 occasions.

9 On the issue of recycling --
10 and maybe I did not mention this, but I
11 have been in this industry for about 15
12 years. For years we have just gotten
13 beaten up, kicked, you name it, for not
14 recycling, and we have worked very hard.
15 We don't have the history that some of
16 the other materials do, because as you've
17 heard, we've only been around about 40 or
18 45 years. But we have tried to step up
19 to the table and do in a shorter amount
20 of time what others have been doing much
21 longer. And there is a mature
22 infrastructure. There are markets. And
23 some of the discussion that I heard
24 today, I think, could have a negative
25 impact on recycling. I think that there

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2 would be some recycling NGOs that could
3 possibly express some concerns of any
4 public policy that could diminish
5 recycling opportunities.

6 I just have two more very quick
7 comments.

8 Councilman, you did ask the
9 panel regarding the statement from the
10 Green Wave organization. And, again,
11 that's very appealing. We certainly
12 don't have any issues with competition
13 from either virgin or bio-based or
14 anything like that. I think when you
15 look at our industry, we are always
16 trying to build a better mousetrap. We
17 are very competitive.

18 Two of my colleagues who spoke
19 earlier right here, they will fight to
20 the death in the market to beat each
21 other out. They kind of kept that out,
22 where they're cooperating here today, but
23 in the marketplace, if one can develop
24 something to get a market advantage, you
25 bet that's going to happen. The

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2 incentive is competition, and we are
3 always, always trying to build that
4 better mousetrap.

5 What I would ask the Committee
6 to ask when you see a statement like that
7 is, what are the standards that are being
8 used to support that statement? What are
9 the tests that have been used? What has
10 been the experience vis-a-vis the
11 application for which that product was
12 made? And these are the kinds of
13 questions that we have to ask whenever we
14 produce a product.

15 A second issue along those
16 lines is -- and something that I have
17 raised in other venues -- when you talk
18 about biodegradability, shouldn't there
19 be some thought given to the fact that by
20 pursuing certain public policy, does the
21 City of Philadelphia, or any other city,
22 want to reinforce the mind set that it's
23 okay to throw something out my window
24 because it will biodegrade?

25 COUNCILMAN KENNEY: Could I ask

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2 a favor?

3 MR. ROSARIO: Oh, absolutely.

4 Please.

5 COUNCILMAN KENNEY: If you
6 could conclude, because we've gone really
7 long and I still have three witnesses
8 left and we have a 2 o'clock hearing. So
9 you understand, we have two amendments to
10 each bill -- one amendment for each bill
11 and the bills will be held in Committee
12 today. So there's no action being taken
13 on the bills other than amendments. So
14 there's no crisis yet, because we'll
15 probably have you guys back.

16 MR. ROSARIO: Again, that was
17 going to be my last point.

18 COUNCILMAN KENNEY: Okay.
19 Great.

20 MR. ROSARIO: Oh, just one
21 other point. I do have testimony that I
22 will submit to the Committee, but there
23 is one piece of missing information. If
24 I can submit this with the proviso that I
25 have an opportunity to just fill in the

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2 blanks.

3 COUNCILMAN KENNEY: So you
4 understand how the process works, we're
5 going to amend the bills, hold them and
6 we'll have another Committee hearing. So
7 you guys will be back again.

8 MR. ROSARIO: Oh, okay.

9 Thank you very much.

10 COUNCILMAN KENNEY: Thank you.

11 And I apologize for you guys
12 waiting all day, but I wanted you to hear
13 what they had to say, so if any points
14 you need to make for the record's benefit
15 countering some of the assertions. Emily
16 Linn, Christine Knapp and Jen Bendik.

17 Please identify yourself for
18 the record.

19 MS. LINN: My name is Emily
20 Linn and I am a Program Director for
21 Clean Air Council. I'm here today to
22 express the Council's support of the
23 three bills in question, which would ban
24 the use of Styrofoam and -- I guess not
25 ban, but ban the use of plastic bags at

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2 major retail stores in Philadelphia.

3 The Council is a non-profit,
4 member-supported environmental
5 organization with its main office here in
6 Philadelphia. The Council co-founded the
7 Recycling Alliance of Philadelphia in
8 1998 and is an active member of the
9 steering committee for the RecycleNOW
10 Philadelphia Campaign.

11 The environmental benefits of
12 reducing the use of Styrofoam and plastic
13 bags could not be more obvious. A
14 Styrofoam container can take up to 500
15 years to disintegrate in a landfill and,
16 according to the US EPA, a plastic bag
17 made of high-density polyethylene can
18 take up to a thousand years to
19 disintegrate. So that one drink that you
20 purchase in a Styrofoam container or that
21 plastic bag that you use to transport
22 your groceries in will surely outlive you
23 by many hundreds of years.

24 An argument often used in
25 support of plastic bags is that they

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2 require less energy to recycle and that
3 they take up less landfill space than
4 paper bags. However, on a nationwide
5 basis, various sources report that only
6 between one and five percent of plastic
7 bags are actually recycled, meaning that
8 the remainder of the plastic bags
9 distributed at supermarkets and other
10 retail stores end up in landfills or as
11 litter. Despite current efforts to
12 provide recycling drop-off bins for used
13 plastic bags, which on a side note could
14 be greatly improved, a large percentage
15 of consumers are not opting to or do not
16 have the means to recycle their plastic
17 bags.

18 In an urban setting such as
19 Philadelphia, plastic bags in particular
20 are a nuisance and contribute to the
21 litter and quality-of-life issues facing
22 our City today. Given the low percentage
23 of bags that are being recycled are
24 properly disposed of, the proposed ban
25 would go a long way in contributing to

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2 the success of City and
3 neighborhood-driven anti-litter efforts
4 already underway. The ban would most
5 surely be welcomed by those civic
6 organizations working so hard to keep
7 their neighborhoods clean and
8 litter-free. Styrofoam and plastic bags
9 are also both petroleum-based products.
10 By reducing our reliance on these
11 products, the City is contributing to a
12 reduction in the nation's overall
13 reliance on foreign oil.

14 While compostable bags do
15 currently cost more than regular plastic
16 or paper bags, that price would surely
17 drop as more municipalities jump on the
18 bandwagon and require compostable bags.
19 Another option is for stores to sell
20 reusable bags to consumers to use for
21 their shopping or to give a discount to
22 customers to bring their own bag. Retail
23 chains such as IKEA and Whole Foods
24 Markets have already implemented programs
25 to reduce and in many cases eliminate the

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2 need for plastic bags. And I'll just say
3 that Whole Foods starting in January is
4 going to get rid of all of their plastic
5 bags.

6 So these programs are working,
7 and they haven't really been met with
8 resistance from the customers. And, in
9 fact, customers, I think, feel that using
10 reusable bags is one simple way that they
11 can help the environment in their daily
12 routine.

13 In closing, Clean Air Council
14 urges City Council to follow in the
15 footsteps of San Francisco and other
16 metropolitan areas and enact legislation
17 to ban plastic bags and reduce the use of
18 Styrofoam at major retail stores in
19 Philadelphia.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you
22 very much for your testimony.

23 Please identify yourself.

24 MS. KNAPP: My name is
25 Christine Knapp. I'm the Eastern

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2 Pennsylvania Outreach Coordinator for
3 Citizens for Pennsylvania's Future, known
4 as PennFuture, and I'm also the
5 Coordinator for the Next Great City
6 initiative.

7 PennFuture is a statewide
8 organization working to create a just
9 future where nature, community and the
10 economy thrive.

11 I'm here this morning to urge
12 City Council to support these pieces of
13 legislation, which together would make a
14 vast improvement to Philadelphia's
15 sustainability by reducing our
16 consumption of non-renewable,
17 environmentally unsound materials and
18 would help fight the City's litter
19 problem. Both plastic bags and
20 polystyrene foam are relics of the 20th
21 century. We know better now that the
22 harmful effects that both can have on our
23 environment, our neighborhoods and our
24 health. We also have better, cleaner
25 alternatives that should be embraced.

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2 First, let's review why the
3 products are harmful. They both use up
4 natural resources. Plastic bags are made
5 from non-renewable natural resources such
6 as oil, gas and coal. To make a hundred
7 billion plastic checkout bags a year,
8 which is how much we use in the United
9 States each year, it takes 12 million
10 barrels of oil. No oil is used to
11 produce recycled paper checkout bags.

12 Polystyrene or Styrofoam is
13 manufactured from petroleum, also a
14 valued non-renewable resource.

15 They both consume energy to
16 manufacture. Just one statistic is that
17 you could make five and a half plastic
18 bags or drive a car for one mile. It's
19 the same amount of energy. Just five and
20 a half bags, one mile driven.

21 They both are known to choke
22 marine and wildlife. Many animals
23 mistake plastic bags or pieces of
24 Styrofoam for food, eating them and
25 causing death. And with plastic bags,

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2 even after the carcass of the animal has
3 disintegrated, the plastic bag persists.

4 With Styrofoam, we've seen sea
5 turtles that consume them and the
6 buoyancy keeps the turtle from diving for
7 food and then it starves to death.

8 Both fill up landfills.
9 Landfill space may not be filling rapidly
10 as it was decades ago, but it's become
11 more and more expensive to dump in them.
12 Pennsylvania has actually a fairly cheap
13 tipping rate compared to the rest of the
14 country and, therefore, we've become the
15 second largest importer of trash,
16 receiving trash from dozens of other
17 states and even Puerto Rico.

18 Styrofoam is made up of many
19 air pockets, taking up more space at
20 these landfills than it should. And
21 since plastic bags can take up to a
22 thousand years to biodegrade and
23 Styrofoam never biodegrades, it ensures
24 that our wasteful legacy will be around
25 for generations to come. Our precious

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2 tax dollars could also be much better
3 spent on schools and police rather than
4 on hauling and dumping plastic bags and
5 Styrofoam that fill our landfills.

6 Both are known to create
7 litter. On this matter, I am also on the
8 Board of the Passyunk Square Civic
9 Association in South Philadelphia and I'm
10 in charge of our Trash Committee. While
11 the neighborhood is proud of our Italian
12 Market and other stores, we suffer from
13 the effects of plastic bags used at many
14 of these retail stores. Bags litter our
15 street, hang in our trees and blow
16 through the wind more often than any
17 other item of trash. Our Committee has
18 been working to raise \$40,000 to hire a
19 street-cleaning team to sweep our streets
20 of this debris, as well as organize
21 periodic street clean-ups and educate
22 residents about litter.

23 Despite our efforts, plastic
24 bags keep ending up in our neighborhood.
25 Clearly an item that is so persistently

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2 littered has little value in our society
3 and should hardly be missed if taken
4 away.

5 Another effect that plastic
6 bags have on my neighborhood is that they
7 clog our sewer drains. Philadelphia's
8 sewer system is old and often
9 overburdened with storm water. When
10 water has no place to flow into the
11 system, it flows into people's homes and
12 businesses, causing untold amounts of
13 property damage and posing a serious
14 health risk. It is vital that our storm
15 drains remain clear of litter in order to
16 function properly, yet a look at any one
17 of our sewer drains will find them filled
18 with plastic bags and other litter.

19 There are many other
20 alternatives to plastic bags.

21 I have to say right now that I
22 have heard a lot of the previous
23 testimony that's focused on paper and
24 focused on biodegradable bags. The first
25 alternative is no bag. I'm sure so many

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2 of us have examples of going into stores
3 and buying one bottle of soda and having
4 it be put in a bag, or my favorite is
5 when I get like a laundry detergent
6 bottle that has a handle and they put it
7 in a bag.

8 A serious reduction in our
9 consumption of bags would simply come
10 from not offering them in the first
11 place.

12 A second alternative is cloth
13 bags or reusable bags. While it may take
14 some time for customers to remember to
15 bring them along, cloth bags are
16 increasing in popularity.

17 We've heard also lots of
18 testimony today saying that all these
19 supermarkets are doing recyclable
20 programs where people can bring their
21 plastic bags back to the store to recycle
22 them. If we can get people to remember
23 to bring their plastic bags back to the
24 store to recycle them, clearly we can get
25 them to remember to bring their reusable

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2 bag back to the store.

3 Customers love to use them
4 these days. It's become quite trendy in
5 fact, and they're much more comfortable
6 to carry and larger and easier for people
7 to use. Many businesses are now selling
8 them or giving reasonable bags away at a
9 profit, and they also use them for
10 advertising. Whole Foods, which is here
11 today, gives away cloth bags all the time
12 and you see people all over town carrying
13 around a Whole Foods bag, which is free
14 advertising for the store.

15 Last on the list of
16 alternatives should be the biodegradable
17 bags and paper bags. They're not
18 perfect, but they're far superior to
19 using regular plastic bags. As Emily
20 said, a very small percentage of plastic
21 bags get recycled. EPA said in 2005 that
22 just 5.2 percent of all plastic bags were
23 recycled, compared with 21 percent of
24 paper bags. And in Philadelphia we have
25 a curbside recycling program that

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2 collects paper bags along with regular
3 paper, where we don't have the option of
4 plastic bags. We'd have to bring our
5 plastics back to the store. If we're
6 going to remember to bring them to the
7 store, we can remember to bring a
8 reusable bag to the store instead.

9 There's also alternatives to
10 Styrofoam. McDonald's over a decade ago
11 showed how easy it is for restaurants to
12 switch off of Styrofoam. There's other
13 options for packing Styrofoam peanut.
14 Instead of Styrofoam peanuts there's
15 other products that are actually made
16 from recycled products instead of
17 Styrofoam.

18 The last thing I'll mention in
19 my comments, which I'll submit, is that
20 there's environmental costs, but there's
21 also an economic cost of plastic bags.
22 They're four to six cents each. To take
23 that away from the business would save
24 them money, or they could pass that along
25 to the consumer who might be educated

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2 about the cost once they've been the ones
3 who has to pay it and maybe they won't
4 use it anymore.

5 There's also a large cost that
6 goes into collecting and cleaning up the
7 bags once they've been discarded. I'm
8 sure the City understands the cost of
9 litter and what that does not only for
10 community pride but for tourism when
11 people come to the City and see trash.

12 I just wanted to make a couple
13 of quick comments in reaction to some of
14 the things that were said earlier by
15 testimony. We heard industry claims that
16 they've been committed to reduction,
17 which would essentially put them out of
18 business. So I have a hard time
19 believing that. Plus, they've also said
20 that they are committed to being here to
21 be at the table, but we've not -- Emily
22 and I both work on the Recycling
23 Alliance. We have not heard from these
24 groups before. Somebody mentioned that
25 they thought that the recycling NGOs

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2 might be opposed to this bill because of
3 the effect it would have on recycling,
4 and I can speak for the recycling
5 non-profit community and say we don't
6 oppose this.

7 Someone else said they weren't
8 a recycling expert, but they believed
9 that a plastic recycling facility was far
10 cleaner to a paper recycling facility.
11 Well, we are recycling experts, and I
12 disagree with that statement.

13 I think there was too much
14 emphasis on, as I said, paper and
15 biodegradable bags in the previous
16 testimony. No bags and reusable bags are
17 really the efforts.

18 I think that was all of the
19 major points that I wanted to make. So
20 thank you.

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 Please identify yourself for
24 the record.

25 MS. BENDIK: My name is

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2 Jennifer Bendik. I'm the producer of
3 GreenFest Philly, a project of the Urban
4 Green Partnership, whose mission is to
5 empower consumers with the tools to save
6 money and their environment to help make
7 choosing the greenest option one can
8 afford as convenient as possible. I am
9 here today to ask for your support of
10 Bill No. 070671 and 070672 prohibiting
11 the use of disposable food service ware
12 by food vendors that contain polystyrene
13 foam and instead require the use of
14 biodegradable, compostable or recyclable
15 disposable alternatives.

16 Polystyrene foam, most commonly
17 known as Styrofoam, is composed of
18 benzene, styrene and ethylene, which are
19 all listed on the EPA's hazardous
20 substance list. Styrene is classified as
21 a possible human carcinogen by the EPA
22 and by the International Agency for
23 Research on Cancer. The process of
24 making polystyrene pollutes the air and
25 creates large amounts of liquid and solid

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2 waste. It is made with petroleum, a
3 non-sustainable and heavily polluting
4 resource. There are health risks to
5 people who are exposed to Styrofoam
6 during production.

7 Styrofoam is responsible for 30
8 percent of the CFCs in the U.S. Though
9 manufacturers claim that their products
10 are ozone friendly or free of CFCs, this
11 is only partially true. Some polystyrene
12 is now manufactured with HCFC-22, which
13 though is less destructive, it's still a
14 greenhouse gas and harmful to the ozone
15 layer. In fact, according to a 1992
16 study by the Institute for the Energy and
17 Environmental Research, HCFCs are three
18 to five times more destructive to the
19 ozone layer than previously believed.

20 Styrofoam for disposable
21 packaging and food service ware is
22 intended for one-time use and mostly used
23 for only a handful of minutes. It is not
24 practical to reuse and not sturdy enough
25 to wash and reuse more than once or

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2 twice. When we use it to hold our food,
3 it is a potential danger to our health.
4 Studies show that toxic chemicals can
5 leak out of these products into the food
6 they contain, especially when heated in a
7 microwave. These chemicals threaten the
8 human health and our reproductive
9 systems. A study conducted in 1991 by
10 the Louisiana Agricultural Experiment
11 Station reported that volatile styrene
12 monomers were detected in eggs stored in
13 polystyrene containers in a grocery
14 store. When cooked, these eggs contained
15 seven times more ethyl benzene and
16 styrene than farm-fresh eggs not stored
17 in such containers. So hot or cold,
18 Styrofoam gets into the food we are
19 eating, therefore getting into our
20 bodies. Using a biodegradable
21 alternative to Styrofoam would serve the
22 same purpose of holding our hot or cold
23 food without the threat to our health or
24 our environment.

25 When we are done with our

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2 Chinese take-out, our Styrofoam has one
3 of several destinies, all of which are
4 problematic. Most Styrofoam will end up
5 in one of our overcrowded landfills.
6 Styrofoam can take over 500 years to
7 biodegrade, so it will be there
8 essentially forever. It resists
9 compacting, therefore taking up more
10 space than any other type of material.
11 Styrofoam makes up about 30 percent of
12 our landfills. Lightweight at 1,369
13 tons. And that's in one year.

14 While in the landfill,
15 Styrofoam causes its own set of problems.
16 It acts as a barrier preventing water
17 from seeping into the ground allowing it
18 to soak the garbage into a soup-like
19 mixture. When heavy rains come, this
20 mixture escapes the barrier and
21 contaminates our soil and groundwater.

22 If not in a landfill, Styrofoam
23 could end up in an incinerator. Most
24 incinerators do not have the financial
25 resource to keep this process safe and

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2 the chemicals contained. The National
3 Bureau of Standards Center for Fire
4 Research identified 57 chemical
5 by-products released during its
6 combustion.

7 Littering is another common
8 disposal of Styrofoam containers. It is
9 among the top polluters of our coastlines
10 and beaches. It breaks down into smaller
11 pieces that choke animals and clog their
12 digestive systems. Even if
13 unintentional, Styrofoam, especially
14 packing peanuts, fly right out of garbage
15 trucks, littering anywhere they happen to
16 land.

17 Recycling seems to be on the
18 forefront of potential solutions for this
19 troublesome product. People may think
20 that recycling Styrofoam is the
21 environmentally friendly answer and
22 solution to all of its disposal problems.
23 However, recycling it can be just as
24 dangerous as producing it. These
25 recycling facilities are located in poor

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2 neighborhoods, because the dangerous
3 chemicals released in the process pollute
4 the air and affect the people who live
5 near them. The transportation to the few
6 recycling plants that do exist and the
7 cleansing process once it gets there is
8 not cost effective. Recycling Styrofoam
9 does not reduce the amount of Styrofoam
10 that is created each year, because when
11 it is recycled, it is not turned into
12 more cups, plates and take-out food
13 containers, but things like cafeteria
14 trays, CD jewel cases and clothing
15 hangers, products that are typically not
16 ever recycled again.

17 So if this product is so
18 dangerous, why are we still allowing it
19 when there are environmentally friendly
20 alternatives available? San Francisco
21 waited so long to make the switch because
22 they wanted to make sure they were not
23 pushing people away from Styrofoam and
24 onto something worse, but the affordable
25 alternatives do exist today and San

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2 Francisco passed the ban a few months
3 ago.

4 People are afraid of the
5 up-front cost difference. However, a
6 quick price comparison will show the
7 difference in cost is as little as three
8 to five cents per piece. If this cost
9 gets passed along to the consumer, it
10 will mean that your coffee is now \$1.53
11 instead of \$1.50 and your take-out is now
12 6.89 instead of 6.84, a monetary
13 difference you will not notice.

14 One of the companies offers a
15 25 percent discount to schools and a five
16 to 25 percent discount depending on the
17 size of the order, and with these
18 discounts, the price comparison is fairly
19 close to Styrofoam.

20 The West Coast has discovered
21 the dangers of Styrofoam and bans have
22 been passed since as long as 20 years ago
23 in some cities. Among the cities to
24 currently have a ban on Styrofoam are, on
25 the West Coast, Ashland, Oregon;

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2 Portland, Oregon; Berkley; Santa Cruz;
3 Malibu; San Clemente; Sonoma County; San
4 Francisco; Santa Monica and Oakland,
5 California and, on the East Coast,
6 Freeport, Maine.

7 Allow Philadelphia to be among
8 the first on the East Coast to prove that
9 we want to do something about the
10 environmental crisis we face today.
11 Let's take the lead and step up to the
12 plate and begin to make a difference. A
13 ban on Styrofoam is only the beginning
14 and a very important beginning to the
15 rest of our future.

16 I am proud to be among the
17 people and organizations who support
18 these bills.

19 Thank you for allowing me to
20 testify today in support of this
21 ordinance. We look forward to working
22 with the City to improve Philadelphia's
23 eco footprint and to make Philadelphia a
24 leader in the solution for environment
25 issues facing our nation today.

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2 COUNCILMAN KENNEY: Thank you
3 very much for your testimony. And,
4 again, thank you for your patience in
5 waiting.

6 Is there anyone else to testify
7 on these bills?

8 (No response.)

9 COUNCILMAN KENNEY: Are there
10 any questions for these witnesses?

11 (No response.)

12 COUNCILMAN KENNEY: Thank you.
13 We'll be back. We'll notify
14 you when we're having the next hearing.

15 That will conclude the public
16 hearing for the Committee on the
17 Environment. We will now convene a
18 public meeting, and the Chair recognizes
19 Councilmember Brown for a motion to
20 accept the amendments to Bill 070672,
21 which have been circulated to the members
22 of the Committee.

23 COUNCILWOMAN BROWN: Mr.
24 Chairman, I make a motion to accept the
25 amendment to Bill No. 070672.

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2 (Duly seconded.)

3 COUNCILMAN KENNEY: Moved and
4 seconded.

5 All in favor?

6 (Aye.)

7 COUNCILMAN KENNEY: There are
8 none opposed. Bill No. 070672 will be
9 thereby amended and held in Committee to
10 the call of the Chair.

11 The Chair recognizes
12 Councilmember Clarke for a motion to
13 approve the amendment to Bill No. 070691.

14 COUNCILMAN CLARKE: Thank you,
15 Mr. Chairman. Mr. Chairman, I move for a
16 motion to approve the amendment on
17 070691.

18 (Duly seconded.)

19 COUNCILMAN KENNEY: Moved and
20 seconded.

21 All in favor?

22 (Aye.)

23 COUNCILMAN KENNEY: There are
24 none opposed. Bill No. 070691 will be
25 amended accordingly and held to the call

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2 of the Chair.

3 The Chair recognizes
4 Councilmember Brown for a motion to
5 approve the amendments to Bill No.
6 070788.

7 COUNCILWOMAN BROWN:
8 Mr. Chairman, I make a motion to approve
9 the amendments to Bill No. 070788.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: Moved and
12 seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN KENNEY: The motion
16 is approved. Bill No. 070788 is thereby
17 amended.

18 The Chair recognizes Councilman
19 Clarke for a motion to report the amended
20 Bill 070788 out of Committee with a rules
21 suspension.

22 COUNCILMAN CLARKE: Thank you,
23 Mr. Chairman. I move that Bill 070788 be
24 reported out of Committee as amended with
25 a favorable recommendation and a request

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2 for rules suspension as to allow reading
3 at the next session of Council.

4 (Duly seconded.)

5 COUNCILMAN KENNEY: It's been
6 moved and seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN KENNEY: There are
10 none opposed. Bill No. 070788 as amended
11 will be reported out of this Committee
12 favorably, with a request for a rules
13 suspension to allow for first reading at
14 our next Council session.

15 Thank you all for your
16 attendance today. I hope that the
17 dialogue and conversation we had will get
18 us to a point where we can come to some
19 conclusion, but I appreciate all the
20 information provided today.

21 Thank you.

22 (Committee on the Environment
23 adjourned at 2:00 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on October 24, 2007, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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