

February 18, 2025

House Bill 25 – “An Act relating to disposable food service ware; and providing for an effective date.”

Dear Chair Carrick, Vice Chair Story and Members of the House State Affairs Committee,

Thank you for the opportunity to provide comments regarding *House Bill 25 - "An Act relating to disposable food service ware; and providing for an effective date"* (HB 25), which we respectfully oppose.

Founded in 1933, the Foodservice Packaging Institute (FPI) is the leading authority on foodservice packaging in North America. We support the responsible use of all foodservice packaging, while advocating for a fair and open marketplace for all materials. FPI's core members include raw material and machinery suppliers as well as packaging manufacturers, which represent approximately 90 percent of the industry. Additionally, some distributors and purchasers of foodservice packaging are part of FPI's affiliate membership.

FPI supports policies and programs that result in more recycling and/or composting of foodservice packaging. However, we oppose restrictions that limit the use of any foodservice packaging. We believe that each foodservice package must compete in the marketplace based on its own merits of product performance and suitability, price competitiveness and, of course, impact on the environment.

We recognize that foodservice packaging, like all products, impacts the environment. However, foam polystyrene's impact is more limited than one might think. Foam polystyrene in its very essence is foam, meaning that it is 95 percent air and utilizes very little resin. In addition to minimal material use, looking at impacts such as water and energy, foam polystyrene further demonstrates its value from an overall lifecycle perspective.

Recycled foam polystyrene can be turned into new products. The industry – through FPI's Foam Recycling Coalition (FRC) – has proactively led efforts to increase the recycling of foam polystyrene. Thanks to the voluntary efforts of the FRC, approximately eight million additional people in the U.S. and Canada have access to foam polystyrene recycling. More information on foam polystyrene recycling opportunities and U.S. end markets is available [here](#).

It is our perspective that a free-market approach allows restaurants to determine the most effective product that fits their business model. Based on various FPI surveys of foodservice operators, we know that cost and performance are two of the most important criteria in selecting products for their operations. Foam polystyrene food service ware may address those criteria.

Further, we believe that limiting the choice of food service ware to "biodegradable or compostable" products as outlined in HB 25 (and detailed below) could pose challenges due to the lack of industry standards or guidelines for the assessment and reporting on the characteristics mentioned in the following definition.

"Biodegradable or compostable" means that all of the elements completely break down and return to nature or decompose into elements found in nature within a reasonably short period after customary disposal.

As detailed above, it is our position that the proposed bans and restrictions on food service ware will negatively impact the foodservice industry, leading to limited choices and material availability as well as potential cost escalations.

FPI encourages the development of policy to support the expansion of infrastructure to improve the recovery of all foodservice packaging. Such a policy approach would work to amplify the efforts and progress of initiatives that support the circular economy, like the FRC, rather than introducing product restrictions that will have unintended consequences.

We appreciate your consideration of this feedback and our opposition to HB 25.

Sincerely,

A handwritten signature in purple ink that reads "CPatterson".

Carol Patterson
Vice President, Government Relations
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