

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 COMMITTEE ON THE ENVIRONMENT

4 - - -
5 Room 400, City Hall

6 Philadelphia, Pennsylvania

7 Friday, May 1, 2009, 11:00 a.m.
8 - - -

9 Bill 090064 - Enacting a new Chapter 9-3100 of
10 the Philadelphia Code, entitled "Food Service
11 Waste Reduction Ordinance," to prohibit use of
12 disposal food service ware that contains
13 polystyrene foam and to require use of
14 biodegradable/compostable or recyclable
15 disposal food service ware by food vendors,
16 City facility food providers, City departments,
17 and City contractors and lessees, unless there
18 is no affordable alternative.

19 Bill 090074 - Amending Chapter 9-600 of the
20 Philadelphia Code, entitled "Service and Other
21 Businesses," by adding a new Section 9-614,
22 entitled "Mandatory Use of Recyclable and
23 Compostable Checkout Bags."

24 Bill 090075 - Amending Chapter 9-600 of the
25 Philadelphia Code, entitled "Service and Other
Businesses," by adding a new Section 9-614,
entitled "Advanced Recovery Fee (Green Fee) for
Disposal Shopping Bags," to establish an
advanced recovery fee (a green fee) for
disposable shopping bags.

26 COUNCILMEMBERS PRESENT:

27 James F. Kenney, Chair

28 Blondell Reynolds Brown, Vice Chair

29 Frank DiCicco

30 Curtis Jones, Jr.

31 Donna Reed Miller
32 - - -

33 V A R A L L O Incorporated
34 Litigation Support Specialists
35 1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Good

3 morning, ladies and gentlemen. Thanks
4 again for waiting and your patience. We
5 apologize for the delay.

6 The Committee on the Environment
7 now has a quorum with Councilmembers
8 Jones, DiCicco, and Councilmember Miller,
9 who are here to listen to testimony on
10 three bills.

11 The first is Bill No. 090064, an
12 ordinance enacting a new Chapter 9-3100 of
13 the Philadelphia Code, entitled "Food
14 Service Waste Reduction Ordinance," to
15 prohibit the use of disposal food service
16 ware that contains polystyrene foam and to
17 require the use of biodegradable/
18 compostable or recyclable disposal food
19 service ware by food vendors, City
20 facility food providers, City departments,
21 and City contractors and lessees, unless
22 there is no affordable alternative, all
23 under certain terms and conditions.

24 Also, Bill No. 090074, an
25 ordinance amending Chapter 9-600 of the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 Philadelphia Code, entitled "Service and
3 Other Businesses," by adding a new Section
4 9-614, entitled "Mandatory Use of
5 Recyclable and Compostable Checkout Bags,"
6 all under certain terms and conditions.

7 And, finally, Bill No. 090075,
8 an ordinance amending Chapter 9-600 of the
9 Philadelphia Code, entitled "Service and
10 Other Businesses," by adding a new Section
11 9-614, entitled "Advanced Recovery Fee
12 (Green Fee) for Disposal Shopping Bags,"
13 to establish an advanced recovery fee (a
14 green fee) for disposable shopping bags,
15 all under certain terms and conditions.

16 I'd like to first recognize
17 Councilmember DiCicco for opening remarks.

18 COUNCILMAN DiCICCO: Thank you,
19 Mr. Chairman, and thank you, everyone, for
20 coming today. As Councilman Kenney said,
21 we do apologize for the delay in getting
22 this hearing started.

23 I'd just like to quickly thank
24 you, Mr. Chairman, for having this meeting
25 today, this hearing today. And also to

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 let you know that while my staff and I
3 have been directed by casinos, waterfront
4 development, and property taxes,
5 Sarah Sachdev -- hopefully, I'm
6 pronouncing her name correctly -- has
7 helped pull together the witnesses and
8 organized this hearing. I want to
9 recognize her for her help and hard work
10 and to say thank you.

11 I also want to thank Penn
12 Future, the Philadelphia Clean Air
13 Council, and the Recycling Alliance for
14 helping us get the word out about today's
15 hearing, organizing the photo contest, and
16 helping coordinate the reusable bag drive.

17 Coincidentally, if you haven't
18 dropped off your bags, a collection point
19 is across the hall.

20 And, finally, I want to thank
21 the School District that has agreed to
22 help redistribute these bags to students
23 in the next academic year.

24 For the moment, that's all I
25 have to say, but I'd like to say again one

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 more time, thank you all and thank you for
3 your patience.

4 COUNCILMAN KENNEY: Just a word
5 on Bill No. 090064. There will be
6 testimony that will be taken today on all
7 three bills. That particular bill will
8 not be moved out of committee, and I want
9 to explain to you the reasons why.

10 I had received some heartfelt
11 correspondence and e-mails from employees
12 of various companies around the State,
13 specifically in Lancaster, Pennsylvania,
14 relative to their concerns of the
15 potential job loss of their jobs, 'cause
16 they manufacture this material or these
17 products, as a result of the passage of
18 this bill.

19 I don't believe that the passage
20 of this bill, which won't happen today or
21 will get out of committee today, will cost
22 anyone their jobs. But in this
23 environment, I understand the sensitivity
24 and understand the concern that people
25 have relative to their employment.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Now is not the time to be
3 unemployed -- no time is the time to be
4 employed, but in this economy, it's even
5 worse. And I recognize and empathize and
6 am sensitive to their concerns, also to
7 the concerns of the elected officials
8 there, specifically Senator Brubaker, from
9 Lancaster County, who I've had a
10 conversation with and have every intention
11 of actually going out to Lancaster County,
12 which I've been to a number of times, to
13 sit with him, sit with some of the
14 employees, and talk about some
15 alternatives.

16 I do believe we have some
17 opportunities over the period of time to
18 deal with the Department of Agriculture,
19 deal with maybe Penn State and some other
20 entities within the State, to try to
21 figure out ways in which we can have these
22 kind of companies evolve into the
23 production of biodegradable and
24 compostable materials as opposed to just
25 the Styrofoam.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 We are all Pennsylvanians. I
3 mean, I -- Philadelphia sometimes, you
4 know, has a difficult time articulating
5 our needs and views to Harrisburg, but I
6 want the people in Lancaster to understand
7 and the people in Potter County to
8 understand that we are not insensitive to
9 their concerns and their worries about
10 raising their families and continuing to
11 work. So we're going to work with them to
12 try to get us where we want to be.

13 I will say, however, that two
14 years ago, we started this process. And
15 frankly, I -- and my colleague Councilman
16 DiCicco can comment in whatever way he
17 likes. Frankly, we're quite disappointed
18 in the industry, both the petro chemical
19 industry and the Styrofoam industry, the
20 polystyrene industry, and the companies
21 involved because they promised clearly
22 that they were going to, at the time, do
23 some things and create some programs and
24 deal with recycling and really work with
25 us to get things done.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 None of that happened, none of
3 it happened, as far as I can see or as far
4 as I know, and I've resulted with
5 Councilman DiCicco. None of that has
6 happened.

7 So I want you to understand the
8 sensitivity from my part on the slowing
9 down of my bill has to do with the
10 concerns of Pennsylvania residents who
11 work in this industry and their collective
12 representatives who represent them and
13 need to keep their counties and their
14 legislative districts employed.

15 But we -- I honestly believe
16 that this, in the end, will not cost
17 anyone their jobs. If anything, if we can
18 work together -- in reality, if we could
19 work together without about just the lip
20 service, I think we can maybe even expand
21 employment in the State or in Philadelphia
22 and keep people working.

23 So I'm willing to work with the
24 elected officials out there in parts of
25 the State and those employees to make it

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 clear to them that no one from
3 Philadelphia or from Philadelphia City
4 Council wants to hurt them. We need each
5 other to get through this economic crisis,
6 and that's where we want to start this
7 hearing off today.

8 Councilman Jones, do you have a
9 comment?

10 COUNCILMAN JONES: Yeah.

11 Just -- let me say, first of all, I want
12 to thank the members of this committee, in
13 particular Councilman Kenney and
14 Councilman DiCicco, for having the vision,
15 foresight, and stamina to deal with the
16 issue of the environment and, in
17 particular, plastic bags.

18 It is one of those issues that
19 transcends neighborhoods, transcends
20 economics, transcends racial/social
21 barriers, because these bags know no
22 barriers. They go to every part of the
23 City of Philadelphia and have an impact
24 one way or another on those neighborhoods
25 that they are in.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 And I'm thankful to the
3 Committee on the Environment for taking up
4 this tough issue, and I look forward to
5 the testimony today.

6 COUNCILMAN KENNEY: Thank you
7 very much.

8 If there are no other comments,
9 we'd like to get ready and get started
10 with the testimony. And the first panel
11 is: Suzanne Biemiller, the Mayor's Office
12 of Sustainability.

13 (Witnesses come forward.)

14 COUNCILMAN KENNEY: Please
15 identify yourself for the record and
16 proceed.

17 MS. BIEMILLER: My name is
18 Suzanne Biemiller, and I work with the
19 Mayor's Office of Sustainability.

20 COUNCILMAN KENNEY: Thank you.
21 Please proceed.

22 MS. BIEMILLER: Good morning,
23 Chairman Kenney --

24 COUNCILMAN KENNEY: Good
25 morning.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MS. BIEMILLER: -- and members
3 of City Council. As I just stated for the
4 record, my name is Suzanne Biemiller, and
5 I work for the Mayor's Office of
6 Sustainability and am appearing here today
7 to testify on billions 090064, 090074, and
8 090075.

9 With me here is Duane Bumb,
10 Senior Deputy Director of Commerce; and
11 Dr. Palak Raval-Nelson, Chief of the
12 Office of Food Protection within the
13 Department of Public Health.

14 Before I begin, I wish to
15 applaud Councilmembers Kenney and DiCicco
16 whose leadership in introducing this
17 package of legislation places Philadelphia
18 among a select group of cities leading the
19 charge in reducing municipal waste and
20 promoting a healthier and cleaner city.

21 As you know, on Wednesday, the
22 Mayor Administration unveiled a
23 comprehensive sustainability strategy
24 entitled Green Works Philadelphia. Its
25 vision, as articulated by Mayor Nutter, is

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 to make Philadelphia America's greenest
3 city by making our buildings more energy-
4 efficient, creating new jobs, increasing
5 what we recycle, planting thousands of
6 trees, and improving our air quality.

7 And I'd just like to thank
8 Councilman Kenney for his leadership in
9 helping us develop that plan as well as
10 the other members of this committee and
11 their staffs for helping us with this
12 plan.

13 And I should note that I have
14 copies of it here today, at least a
15 summary copy, and also, copies are being
16 delivered to City Council office this
17 morning.

18 The three bills presented today
19 address a fundamental objective within
20 Green Works Philadelphia's strategy: To
21 reduce Philadelphia's environmental
22 footprint through waste minimization.

23 In 2008, the estimated 584,000
24 households in Philadelphia produced
25 731,000 tons of trash, or more than 1.25

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 tons per household. Yet Philadelphians
3 only recycled 48,000 tons of trash last
4 year. Clearly there's a lot of room for
5 improvement.

6 The refuse created by plastic
7 bags and Styrofoam contributes not only to
8 the stockpile of waste residing in our
9 region's landfills but also the litter
10 cluttering our local streets and clogging
11 our waterways.

12 The City spends \$65 per ton of
13 trash to private waste haulers to put this
14 trash in landfills; and last year, these
15 tipping fees alone cost the City
16 \$47 million. And according to data
17 provided by the Philadelphia Water
18 Department, over \$60,000 was spent last
19 year fishing plastic bags out of our local
20 waterways.

21 We Philadelphians must not only
22 recycle more trash but also reduce what we
23 produce, including plastic bags and
24 Styrofoam containers. The bills presented
25 today will advance the City's waste

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 reduction goals in the following ways:

3 Bill No. 090064 will encourage
4 the use of biodegradable/compostable or
5 recyclable disposal food service ware as a
6 substitute for polystyrene foam.

7 Bill No. 090074 will mandate the
8 use of recyclable and compostable checkout
9 bags in supermarkets and pharmacies.

10 And, finally, Bill No. 090075
11 will impose an advanced recovery fee of 25
12 cents onto consumers for using disposable
13 shopping bags in grocery stores, drug
14 stores, and convenience stores.

15 On Wednesday, at the launch of
16 Green Works Philadelphia, the Mayor
17 expressed his support for measures to rid
18 the City of plastic bags. He understands
19 what these bags cost the City government
20 as it attempts to remove them from our
21 streets and waterways and send them to
22 landfills. He also knows the
23 psychological cost that these bags and
24 containers, which do not disintegrate and
25 cannot be recycled, inflict on our

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 neighborhoods.

3 Many grocery stores and
4 pharmacies are already taking steps to
5 move their customers away from plastic
6 bags. Most restaurants and national
7 fast-food chains no longer use Styrofoam
8 cups or to-go containers, and more and
9 more customers in Philadelphia are
10 shopping with reusable bags. In other
11 words, the move away from plastic bags and
12 Styrofoam is already happening in
13 Philadelphia, and these bills would hasten
14 that process.

15 But the Administration is also
16 sensitive to those businesses that believe
17 these bills could represent an increase to
18 their overhead costs, particularly smaller
19 establishments already made vulnerable by
20 the current economic climate. Therefore,
21 we would like to continue to work with the
22 sponsors and with the business community
23 so as to ensure that those concerns and
24 those impacted by this legislation are
25 adequately addressed. And we also

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 understand that there's a few proposed
3 amendments to all three bills.

4 The aim of these proposed bills
5 is a good one and a right one, and they
6 help position Philadelphia as a leader in
7 the sustainable movement. We look forward
8 to working with City Council to making
9 Philadelphia the greenest city in America.

10 Thank you for your consideration
11 of this testimony. And we, all three of
12 us, are happy to respond to any questions
13 you may have.

14 COUNCILMAN KENNEY: Thank you
15 for your testimony.

16 Is there any other testimony
17 from the other witnesses?

18 MS. BIEMILLER: (Shakes head.)

19 COUNCILMAN KENNEY: Thank you.

20 Are there any questions of the
21 witnesses?

22 (No questions.)

23 COUNCILMAN KENNEY: Seeing none,
24 thank you for your testimony.

25 MS. BIEMILLER: Thank you.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: The second
3 panel is Aedhan Loomis and Brett Mapp.

4 (Witnesses come forward.)

5 COUNCILMAN KENNEY: I just want
6 to set a ground rule that I like to
7 follow, and it goes for everyone, whatever
8 side of the issue you may be on.

9 All of your written testimony
10 will be fully included in the record. So
11 you don't need to read exactly word for
12 word your testimony 'cause it will be put
13 into the record that way.

14 You can speak freely, you can
15 do -- you can read a little bit if you
16 want, you can speak freely about your
17 testimony. People who come subsequent to
18 that, again, your testimony will be
19 included fully in the record, but try to
20 avoid areas that have already been
21 covered; it makes the hearing go a lot
22 better, and it's a lot more interesting.

23 So with that said, please
24 identify yourself for the record.

25 MR. LOOMIS: Good morning. My

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 name is Aedhan Loomis. I'm --

3 COUNCILMAN KENNEY: Aedhan, pull
4 that microphone closer to you. Thanks.

5 MR. LOOMIS: I'm a freshman at
6 Germantown Friends School.

7 COUNCILMAN KENNEY: Sorry.
8 Please proceed with your testimony.

9 MR. LOOMIS: Plastic bags are
10 increasingly littering our planet, our
11 country, our state, and our city. These
12 thin pieces of plastic pose a threat to
13 our environment. While recycling these
14 bags is one way to solve this problem, it
15 is neither economical, costing about
16 \$4,000 to process and recycle one ton of
17 plastic bags that can then be sold for a
18 mere \$35; nor is recycling efficient.

19 The clear alternative to this
20 global issue is to ban the use of these
21 plastic bags and encourage the population
22 to use reusable and more sustainable cloth
23 bags to transport goods from a store to
24 home. If one person were to do this, they
25 could save an average of six bags a week;

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that's 24 bags a month, 288 bags a year,
3 and 22,176 bags in an average lifetime.

4 Now, that is just one person.

5 If one out of every five
6 Philadelphians were to switch to reusable
7 cloth bags, as a city, we could save
8 4.5 billion plastic bags. And that's just
9 1 out of 5 residents. If Philadelphia
10 were to ban plastic bags, forcing the use
11 of plastic bag alternative, we as a city
12 could save five times that number, or
13 22 billion plastic bags.

14 To take this one step further,
15 if 100,000 plastic bags makes a ton, then
16 we would eliminate 220,000 tons of plastic
17 bags from polluting our environment.

18 It would be great if the City of
19 Philadelphia could join with many other
20 global leaders such as China, Bangladesh,
21 Ireland, Rwanda, the City of San
22 Francisco, and a growing list of others to
23 eliminate plastic bags from our city.

24 I question the statement in the
25 bill "mandatory use of recyclable and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 compostable bags" since all current
3 checkout bags are recyclable.

4 I encourage City Council to pass
5 this bill and ban plastic bags. In the
6 interim, please encourage all residents to
7 return the plastic bags to the grocery
8 stores that accept and recycle them.

9 COUNCILMAN KENNEY: Thank you
10 very much your testimony.

11 MR. LOOMIS: Thank you.

12 COUNCILMAN KENNEY: Brett?

13 MR. MAPP: Good morning.

14 COUNCILMAN KENNEY: Good
15 morning.

16 MR. MAPP: My name is Brett
17 Mapp. I am the marketing specialist,
18 community liaison for Whole Foods Market
19 at 929 South Street.

20 I'm here to talk about the
21 second title of my job, community liaison.
22 I not only work in the community but I
23 also live in the community. I've been an
24 homeowner in Bella Vista for over ten
25 years and I have served for two years of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the Bella Vista United Civic Association
3 as president. I currently sit on the
4 board of eight nonprofits, mostly arts-
5 and culture-related. I am a living,
6 breathing example of Whole Foods Market's
7 fifth core value: carrying about our
8 communities and our environment. This
9 core value is the main focus of my job and
10 the job of all my counterparts in over 270
11 stores in North America.

12 I'm not here to support
13 Councilman DiCicco or Councilman Kenney's
14 bill; I will leave that decision to you,
15 the wise members of Council. I am here to
16 tell you that this bill is possible and
17 that we at Whole Foods Market have been
18 following the rules of the bill for over a
19 year, even though it is not the law.

20 We got rid of our plastic bags
21 last year, on Earth Day. We truly believe
22 actions speak louder than words. We offer
23 a nickel refund to each customer that
24 brings their own bag, and, starting today,
25 we are offering Nickels for Nonprofits.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Nickels for Nonprofits is giving customers
3 the opportunity to give back to their
4 community. Every time a customer shops
5 with a reusable bag, Whole Foods Market
6 offers a nickel rebate that the customer
7 has the option to either keep or donate to
8 one of two chosen local nonprofits.

9 Our reusable bags have become
10 collectible items, and one bag that sold
11 in our New York City stores last year was
12 the must-have fashion accessory of last
13 spring. The "I'm Not a Plastic Bag" was
14 going for over \$250 on Wednesday on eBay.
15 I also have four pages from eBay from
16 Wednesday of our bags that are on eBay
17 right now.

18 Reusable bags are green in
19 environmental and financial ways. I do
20 not know of a store today, from CVS to
21 Sleepy Mattress, that does not offer a
22 reusable bag. And if the chairman will
23 allow me, I would like to show some
24 examples of some reusable bags.

25 COUNCILMAN KENNEY: Please.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. MAPP: This is a bag I'm
3 very proud of. It's from ShopRite, a
4 competitor, but it also helps the Mural
5 Arts Committee.

6 Trader Joe's, again, a
7 competitor, doing a fabulous bag.

8 This is a bag that we sell,
9 designed by the artist Cheryl Crowe.

10 Also, a bag from Headlong Dance
11 Company, a local nonprofit. That goes
12 right in my pocket and advertises a
13 nonprofit.

14 We have also gotten rid of our
15 Styrofoam containers in our deli section.
16 We offer (indiscernible) containers, which
17 I brought some examples of today. We also
18 carry recyclable paper board containers.

19 We are not perfect. We still
20 have plastic bags in our product and bulk
21 departments. We are still trying to make
22 sure that each container in our store can
23 be recycled or composted. We do offer
24 compost cans in our cafe so our customers
25 can compost as soon as they finish their

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 meal.

3 The cost of the containers is a
4 little more than Styrofoam, but as more
5 and more companies switch, the cost will
6 go down.

7 We do these things because we
8 truly believe in being good community
9 partners, and one of the easiest ways to
10 be a good partner is to keep the community
11 as clean as possible.

12 In another life, I was on the
13 Board of Directors of the South Street
14 Headhouse Square District; I was on the
15 Community Advisory Committee. And every
16 month, the biggest complaint was trash
17 from the businesses on South Street,
18 especially McDonald's. As a member of the
19 committee and one who lives right off the
20 Italian Market on South Street, I truly
21 appreciate any business that tries to keep
22 the neighborhood clean.

23 I thank the committee for their
24 time. And, again, I want you to know that
25 these bills are possible, and you could

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 still make a profit without plastic bags
3 or Styrofoam containers.

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

6 Councilman DiCicco?

7 (Applause.)

8 COUNCILMAN DiCICCO: Thank you,
9 Mr. Chairman.

10 And thank you, gentlemen, for
11 being here.

12 Good morning. Good morning
13 Mr. Mapp. Since the changeover from
14 eliminating the plastic bags to reusable
15 bags, has your business seen any
16 measurable drop-off in sales or any
17 complaints from customers?

18 MR. MAPP: There's been no
19 drop-off in sales besides the economic,
20 you know, recession that we're in. And,
21 actually, the South Street store is one of
22 the top ten stores in the country as far
23 as comp sales, which are comparable sales
24 to last year. And I think that has to do
25 more with our location than anything else.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 But there is no effect because
3 of the plastic bags.

4 COUNCILMAN DiCICCO: Customers,
5 do they complain that they're not
6 supplying the plastic bags any longer? Do
7 you get any of those complaints?

8 MR. MAPP: The biggest complaint
9 from our customers is that they're waiting
10 for their new bags. We have a lot of
11 Cheryl Crowe bags they're waiting for.

12 We also do kind of our quarterly
13 bags. This is or banana bag, which is our
14 newest one.

15 What our customers want are our
16 new-style bags.

17 COUNCILMAN DiCICCO: Just for
18 the record, your company is more of a
19 higher-end grocery-store business as
20 compared to some of the others? You
21 showed Trader Joe's, a bag from Trader
22 Joe's and ShopRite. I mean, there is a
23 difference in the --

24 MR. MAPP: I would admit that in
25 our perishable department, some of our

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 items, particularly in the meat and
3 seafood are more expensive than some of
4 our competitors.

5 But, for example, a gallon of
6 orange juice or a gallon of milk is the
7 same price as SuperFresh, which is
8 literally right across the street. So in
9 some basic grocery items, we are
10 comparable.

11 COUNCILMAN DiCICCO: Okay. And
12 I just wanted that for the record because
13 a lot of folks use Whole Foods as an
14 example and say, Well, they get much more
15 for their product. They can afford to do
16 these things. The demographics of folks
17 who shop there is maybe a more educated
18 demographic group than some of the others
19 in the local neighborhoods.

20 But you haven't -- you don't
21 think that that -- well, I guess what I'm
22 getting at is the fact that you're showing
23 some bags for grocery stores that are in
24 lower-economic communities as opposed to
25 Center City and South Street.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. MAPP: Correct, but I just
3 think, as I mentioned earlier in my
4 testimony, you know, CVS or Sleepy
5 mattresses -- you know, reusable bags are
6 not only, you know, great for the
7 environment; they are now the greatest
8 marketing tool you have.

9 For example, you know, this
10 Sunday, is the opening of the farmers
11 market at Headhouse Square. If you go to
12 the farmers market or even the Reading
13 Terminal Market, you will see customers
14 with reusable bags from their favorite
15 store. Customers come into our store who
16 have Trader Joe's bags or SuperFresh bags;
17 it's just their favorite bag that they
18 happen to carry.

19 COUNCILMAN DiCICCO: Thank you.

20 COUNCILMAN KENNEY: Thank you
21 very much and thank you for your
22 testimony.

23 It gives me the opportunity to
24 introduce a couple of student groups.
25 And, Aedhan, you reminded me that young

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 people getting involved in this issue is
3 probably the most important thing, 'cause
4 changing behavior is going to have to be
5 changed over a period of time. And the
6 younger we change it, the easier it will
7 be in the future.

8 So I just wanted to take this
9 opportunity to introduce people from the
10 Belmont Charter School, with their
11 teacher, Julie Mattaloni Trummel over
12 here.

13 (Applause.)

14 COUNCILMAN KENNEY: And they're
15 from the 3rd District, in West Philly.

16 And we also have with us the
17 Cook Wissahickon School.

18 (Applause.)

19 (Cheers.)

20 COUNCILMAN KENNEY: Their
21 teacher is Diane Ofee Powers. And they're
22 from the great, great 4th Councilmatic
23 District. Thank you very much.

24 COUNCILWOMAN MILLER: I wanted
25 to say something.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Councilwoman
3 Miller.

4 COUNCILWOMAN MILLER: And I just
5 want to thank the young man that came in
6 from Germantown Friends School. And did
7 you -- is anybody's with you, or are you
8 here by yourself?

9 MR. LOOMIS: I'm here by myself.

10 COUNCILWOMAN MILLER: Oh, okay.
11 And I know that Friends School has always
12 been one that makes sure their students
13 get involved with all kinds of issues. So
14 it didn't surprise me that you were here
15 this morning in support of recycling.

16 MR. LOOMIS: Thank you.

17 COUNCILWOMAN MILLER: Okay.
18 You're welcome.

19 COUNCILMAN KENNEY: And that's
20 in the great 8th District, I assume.

21 COUNCILWOMAN MILLER: And that's
22 in the great 8th District.

23 COUNCILMAN KENNEY: The next
24 panel is: Christine Knapp, Katie Edwards,
25 Anne Misak, and Dennis Winters.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 (Witnesses come forward.)

3 COUNCILMAN KENNEY: Good

4 morning. Please identify yourself for the
5 record and proceed. We'll take all of
6 your testimony first, and then we'll do
7 questions.

8 MS. KNAPP: My name is Christine
9 Knapp. I'm the Director of Outreach for
10 Citizens for Pennsylvania's Future,
11 otherwise known as Penn Future, and the
12 coordinator for the local Great City
13 Initiative.

14 I'm here this morning to urge
15 City Council to support the introduced
16 bills on plastic bags and Styrofoam waste,
17 which, if passed, would make a vast
18 improvement to Philadelphia's
19 sustainability by reducing our consumption
20 of non-renewable and environmentally
21 unsound materials and would help fight the
22 City's litter problem.

23 Both plastic bags and
24 polystyrene foam are relics of the 20th
25 century. We know better now the harmful

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 effects they can have on our environment,
3 our neighborhoods, and our health. We
4 also have better, cleaner alternatives
5 that should be embraced.

6 I have in my testimony a bunch
7 of reasons why these products are harmful.
8 I won't go into detail on them since
9 they're in my written testimony, but I'll
10 just give the overview that these products
11 use up our natural resources, they consume
12 energy to manufacture and transport, they
13 choke marine life and wild life, they
14 contribute to the cost of landfilling, as
15 Suzanne from the Mayor's Office of
16 Sustainability overviewed, they create
17 litter, and I do want to just touch on
18 that.

19 I also am the vice president of
20 the Passyunk Square Civic Association in
21 South Philadelphia and the chair of our
22 Trash and Recycling Committee. We've done
23 polling of our neighborhood and it is the
24 number-one concern among neighbors, is
25 litter on the streets. We're actually, at

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 this time, contemplating a contract for
3 over \$16,000 to pay someone to clean our
4 streets because it is such a concern of
5 neighborhoods. And among all of that
6 litter, plastic bags and Styrofoam are a
7 continual problem.

8 They also block drains. My
9 neighborhood also suffers from sewage
10 backups and flooding, and these plastic
11 bags and Styrofoam containers often clog
12 our sewer drains. That prevents storm
13 water from running where it's supposed to
14 and, instead, running into basements.

15 There are many alternatives to
16 plastic bags. My first and favorite
17 alternative is no bag whatsoever. I've
18 multiple times gotten a can of soda or a
19 large laundry detergent bottle that
20 already has a handle and have been offered
21 a plastic bag. I actually purchased a bag
22 the other day and got it put in a bag.

23 (Laughter.)

24 MS. KNAPP: The second
25 alternative is cloth bags, reusable bags,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 which we have a drive going here today.

3 You can see a pile of them over in the
4 corner. I've gotten probably about five
5 or six of them just in the last month from
6 various events that I've been at.

7 Green bags, biodegradable
8 plastic bags, are also an alternative, and
9 then there are paper bags which are more
10 easily recyclable but not really a great
11 alternative, since they do take more fuel
12 to transport. There are also alternatives
13 to Styrofoam that, you know, biodegradable
14 products could be used as well as corn oil
15 products.

16 I sat through this hearing two
17 years ago around a plastic bags ban and
18 fee, and got to hear the arguments of
19 those that oppose these measures, mostly
20 out-of-town organizations that represent
21 industries that choose to oppose the
22 change rather than to adopt and grow into
23 a new environment. I'd just like to
24 counter some of the arguments that I'm
25 assuming we'll hear again today.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 First, the economic cost.

3 People say that the cost to the -- putting
4 the cost on the consumer is unfair and
5 that this legislation will put small
6 businesses out of business. In truth, the
7 cost of plastic bags is going somewhere
8 currently. Right now the costs are felt
9 by taxpayers who pay the City to haul the
10 waste whose neighborhoods are littered
11 with bags and containers, whose health is
12 jeopardized when these items are burned or
13 landfilled.

14 The bills that you're
15 considering today, particularly the fee,
16 will put the cost control into the hands
17 of the people directly. We're already
18 helping to provide the reusable bags here
19 today, and we can commit to also educating
20 our neighbor so that no one is caught
21 offguard and without a bag.

22 And for the manufacturers of
23 these products, all businesses must adapt
24 and change. Let the auto industry be an
25 example of what happens when you don't.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 And this bill would provide an opportunity
3 for businesses to adopt to making more
4 sustainable products. And even without
5 the ban, people are moving away from
6 Styrofoam and they're moving away from
7 plastic bags. So those are becoming
8 relics of the past. These businesses need
9 to learn how to adapt.

10 We also learn that bans and fees
11 don't help reduce litter. Well, I don't
12 think we have enough good numbers to show
13 what happens in the United States. You
14 can look at the vast reduction in plastic
15 bag waste in and behavior change in
16 Ireland and other places around the
17 country

18 And these bills, I agree, won't
19 solve the litter problem in our city, but
20 they certainly will go a long way towards
21 cleaning up our streets and educating
22 residents about waste. And we need as
23 many tools in our tool belt to tackle this
24 enormous problem.

25 Industries will say that plastic

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 bag recycling works. If so, then why do
3 we still have so many bags on our streets?
4 We know that only maybe five percent of
5 bags that are used get recycled, and at a
6 large cost. If people can remember to
7 bring their bags back to the store to
8 recycle them, they can certainly remember
9 to bring their reusable bag back and just
10 use that instead.

11 Lastly, such a fee will enable
12 consumers to use a bag when need be. A
13 fee would allow the consumer to use a bag
14 but provide an incentive for behavior
15 change. But I would also say that the
16 fees collected from such a fee should be
17 earmarked specifically for a special
18 environmental fund that could be, in turn,
19 dedicated to anti-litter and environmental
20 education programs and services to help
21 further move change in the City.

22 And the last argument is that
23 paper bags cost more money and fuel to
24 transport, and this is also true. But
25 this debate here today is not over paper

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 versus plastic; it's about one-time use
3 versus reuse. So we're not advocating for
4 paper bags, and I wouldn't suggest that
5 paper bags or plastic bags are any more
6 environmentally sound than the other. The
7 goal here is not to use it, or to use
8 something that's reusable.

9 Just in conclusion, I want to
10 let you know that the Next Great City
11 Coalition posted an action alert on our
12 website that the RecycleNOW and the
13 Recycle Alliance of Philadelphia promoted.
14 Over 250 people have taken action on that
15 e-mail, sending e-mails to City Council
16 members; I'm sure you've ever received
17 some of those e-mails. Among those 250
18 people were representatives that couldn't
19 be here today:

20 The Sisters of St. Joseph,
21 Haddington Residents Association.

22 The Unitarian Church's Green
23 Sanctuary Committee.

24 Echoability.

25 Drexel University and their

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Drexel Student Sierra Club.

3 Philly Compost.

4 Philadelphia Yearly Meeting.

5 Newbold Neighbors Association.

6 Chestnut Hill Monthly Meeting.

7 PenTrans.

8 Consilience LLC.

9 BioNeighbors.

10 Big Green Earth Stores.

11 And Wormwood & Haze Fine Art.

12 So a lot of these same groups
13 were here two years ago.

14 I think someone mentioned
15 earlier that they all made promises that
16 they would do more to decrease litter and
17 to increase recycling. Someone also
18 mentioned that no action has been taken; I
19 think it was you, Councilman Kenney.

20 I'd also like to report that not
21 only has no new action been taken, but at
22 my local Acme, in South Philadelphia, they
23 actually have discontinued their plastic
24 bag recycling program, so we're in a worse
25 situation than we were two years ago.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 So, you know, in conclusion, I
3 think that, you know, we know better now
4 what Styrofoam and plastic bags
5 contribute, and that is very little; and,
6 rather, they cost us our health, our
7 environment, and the quality of life.

8 COUNCILMAN KENNEY: Thank you
9 very much for your testimony. Please
10 identify yourself for the record and
11 proceed.

12 MS. EDWARDS: Good morning. My
13 name is Katie Edwards. I am a project
14 coordinate for Clean Air Council. Clean
15 Air Council is a nonprofit, member-
16 supported environmental organization, with
17 its main office right here in
18 Philadelphia. The Council cofounded the
19 Recycling Alliance of Philadelphia in 1988
20 and is an active member of the Steering
21 Committee for the RecycleNOW Philadelphia
22 campaign, and also serves on the City of
23 Philadelphia Solid Waste and Recycling
24 Advisory Council.

25 I am here today to express Clean

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Air Council's support of the three bills
3 in question, which would reduce waste in
4 Philadelphia by banning plastic bags at
5 all retailers or mandating a 25-cent green
6 fee on plastic shopping bags, and
7 prohibiting Styrofoam food packaging in
8 favor of biodegradable/compostable or
9 recyclable food service ware.

10 It is a common misconception
11 today that plastic bags are actually free
12 to the consumer. The consumer pays for
13 the management of plastic bag waste rather
14 than their actual utility, separating the
15 bag from its true cost. Across the
16 country, billions of taxpayer dollars are
17 being spent on litter removal, sewer
18 system repair, and landfill tipping fees
19 as a result of these "free" plastic bags.

20 For a city like Philadelphia
21 that's struggling with tough budget-cut
22 decisions, a green fee will dramatically
23 reduce the use of plastic bags, in turn
24 reducing the need for the costly
25 sanitation services, sewer-system

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 maintenance, and providing a much-needed
3 source of revenue to the City's General
4 Fund or an environmental fund.

5 An argument often used in
6 support of the plastic bags is that they
7 require less energy and resources to
8 recycle and that they take up less
9 landfill space than paper bags. This is
10 simply not true. On a nationwide basis,
11 various sources report that between 1 and
12 5 percent of plastic bags are actually
13 recycled, meaning that the remainder of
14 plastic bags distributed at supermarkets
15 and other retail stores end up in
16 landfills or, even more, as litter.

17 As for the 1 to 5 percent of
18 plastic bags that are properly recycled
19 and processed, as we heard earlier, it
20 cost \$4,000 to collect and process one ton
21 of these bags, which can only be sold on
22 the recycling commodities market for \$32.

23 According to Newsweek, in 2008,
24 one manufacturer purchased 70 percent of
25 the plastic bags recycled nationwide.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Recycled plastic bags produce such a
3 low-grade commodity that even the plastic
4 bag industry won't use their own post-
5 consumer material.

6 In an urban setting such as
7 Philadelphia, plastic bags are a
8 particular nuisance and contribute to the
9 litter and the quality-of-life issues
10 facing our city today. As you can see
11 from the slide show of plastic bag
12 photographs submitted by citizens across
13 the City, no Philadelphia neighborhood is
14 immune to their presence.

15 The proposed green fee would go
16 a long way in contributing to the success
17 of City- and neighborhood-driven
18 anti-litter efforts already underway. The
19 green fee will also provide the absolutely
20 essential incentive for those who choose
21 to forego plastic bags and bring their own
22 reusable bag. As demonstrated by
23 Ireland's Plastax, which reduced plastic
24 bag usage 90 percent, a green fee is by
25 far the most effective policy tool in

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 reducing the use of plastic bags.

3 As we've heard earlier,
4 currently, many major retail chains, such
5 as Ikea, Aldi grocery stores, and Whole
6 Foods Markets, already have implemented
7 programs to reduce, and, in many cases,
8 eliminate the need for plastic bags. These
9 programs are absolutely working. They
10 have not been met with resistance from
11 their consumers; and, in fact, the
12 customers feel that using the reusable
13 bags is one simple way that they can help
14 the environment in their daily routine.

15 In closing, Clean Air Council
16 urges City Council to implement a smart
17 plastic bag green-fee policy that takes
18 into account the economic needs of
19 citizens and retailers and will also
20 increase revenue for the City while
21 simultaneously decreasing expenditures on
22 waste, street-cleaning, sewer management,
23 and long-term environmental problems in
24 Philadelphia.

25 Thank you.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Thank you
3 for your testimony.

4 (Applause.)

5 COUNCILMAN KENNEY: Please
6 identify yourself for the record.

7 MS. MISAK: My name is Anne
8 Misak, and I am a program organizer with
9 Clean Water Action and the Recycling
10 Alliance of Philadelphia. I'm also a
11 resident of Philadelphia, in the West
12 Philadelphia neighborhood in Councilwoman
13 Blackwell's district.

14 Clean Water Action also has
15 10,000 members in Philadelphia that, you
16 know, care about these issues and the
17 environment.

18 I'm going to sort of skip
19 through some of my testimony. As you
20 said, it's written, and they've touched on
21 a lot of the stuff.

22 A couple of the issues I wanted
23 to talk about is: One, the plastic lobby
24 that's very strong and that's here. They
25 have a lot of money, and it's evident by

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the fact that there's a lot of them here
3 today. My question is: How many of them
4 actually live in Philadelphia?

5 You know, they're currently
6 fighting these fees and bans in other
7 cities, states, and countries, and they
8 continually do this. They'll try to
9 convince you that this legislation is
10 unnecessary. They've gotten some other
11 cities to cave to their pressure and
12 money, and I hope that members of
13 Philadelphia's City Council are able to
14 put the interests and well-being of the
15 citizens of Philadelphia above the demands
16 of industry lobbyist.

17 As has been touched on, both
18 plastic bags and polystyrene containers
19 have a lot of environmental and health
20 effects. As we know, neither of them
21 break down, they don't biodegrade; they
22 photo-degrade, which means they just break
23 down into smaller and smaller pieces that
24 remain forever in our environment.

25 This has been a huge problem,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 for instance, with marine life in terms of
3 sea turtles and other animals that eat
4 small pieces of plastic that's floating
5 around in the ocean. There is also a
6 growing plastic soup island in the Pacific
7 that is estimated to be larger than Texas
8 and is continually growing from all of the
9 plastic waste that we, as humans, produce.

10 COUNCILMAN KENNEY: Excuse me.

11 (Pointing to person in chambers dressed
12 entirely in plastic bags.) Does he have
13 anything to do that over there?

14 MS. MISAK: Well, yes. He's
15 keeping those 500 bags from being in the
16 ocean right now.

17 (Laughter.)

18 COUNCILMAN KENNEY: Thank you.

19 MS. MISAK: So, basically, you
20 know, as we've seen, they're a huge
21 problem.

22 I also wanted to touch on some
23 of the public health problems related to
24 polystyrene that this legislation will
25 help to address. Styrene, which is the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 monomer used in the manufacture of
3 polystyrene, is a known lab animal
4 carcinogen, meaning it causes cancer. It
5 migrates easily into food and beverages
6 from the packaging. So when you heat
7 polystyrene, or it comes in contact with
8 acid such as lemon or fats and oils, it
9 releases styrene. According to tests
10 conducted by the US EPA, all Americans, a
11 hundred percent of us, have styrene lodged
12 in our fatty tissue, which means that at
13 some point, we have all ingested this
14 toxic product.

15 According to -- but, you know,
16 it's interesting that even when it gets
17 hot or if it comes in contact with fatty
18 or acid foods, which is, you know, most
19 food that we eat, we still use them as
20 carryout food containers and then reheat
21 them in the microwave. So, by using these
22 containers, we're all putting toxins in
23 our body.

24 Polystyrene is also dangerous
25 for those who work in the plants that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 create it. Workers exposed to styrene in
3 an occupational setting evidence numerous
4 types of cancer, including leukemia and
5 lymphoma and several forms of neurological
6 impairment, like loss of hearing and
7 balance.

8 So, like you, I have heard --
9 you know, we've gotten some e-mails from
10 people who work in some of plants that
11 make the polystyrene containers. And, you
12 know, I agree that it's -- they say that
13 they're going to lose their jobs. I would
14 encourage those companies to switch to
15 safer, healthier, better alternatives.
16 They're out there, we all have used them
17 before.

18 As, you know, Brett Mapp
19 testified, Whole Foods has them; they're
20 wonderful, they work just fine, and they
21 don't, you know, poison our bodies, they
22 don't poison the people who make them, and
23 they don't contribute to the waste that
24 exists in our environment.

25 COUNCILMAN KENNEY: There's also

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 a possibility, I would suspect, that the
3 Pennsylvania farmer may benefit from some
4 type of conversion to a compostable and
5 biodegradable product, as I believe the
6 Philadelphia Eagles at Lincoln Financial
7 Field, all of their food containers and
8 beer cups, soda cups, are all, I think,
9 corn-based product that do degrade.

10 So that's part of what I wanted
11 to get at when we were -- my initial
12 comments is that I recognize the fear. I
13 just want to make sure we give 'em some
14 time. But at some point in time, that's
15 going to have to happen, but I just wanted
16 to give some more time to be more
17 cooperative.

18 MS. EDWARDS: Yes. And we
19 totally support that. You know, they
20 haven't changed yet, so we hope that maybe
21 legislation will help to make them change,
22 at least in Philadelphia.

23 So, I mean, I guess a lot of
24 people have talked about the issues with
25 that, you know, this will adversely affect

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 lower-income people. And, you know, I
3 definitely want to say that, at least on
4 behalf of the Recycling Alliance, our
5 chapters and our members, we're all very
6 committing to, you know, working with
7 Councilpeople to do bag distributions in
8 low-income neighborhoods and making sure
9 that that isn't the case, because we don't
10 want it to have an adverse effect.

11 And, you know, you can get --
12 (holding up reusable cloth bag) I mean,
13 this is my favorite little bag. It's
14 tiny, it fits in my purse and my bag and
15 goes everywhere with me, and it expands to
16 be a shopping bag that's way more durable
17 and less harmful to my hands than plastic.
18 This can carry all of my groceries, it
19 doesn't have to be double-bagged.

20 So this is a very good -- you
21 know, there are lots of alternatives out
22 there that are just as good. You know,
23 it's a one-time purchase, you carry it
24 with you everywhere, it's really easy.

25 And I just want to say that this

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 is my arch nemesis (holding up small
3 plastic bag), the little black plastic bag
4 that isn't usable for anything else.

5 These don't fit in any trashcan that I
6 have in my house, you can't reuse them.

7 And because they're often, you know, they
8 have two little snack things in them, they
9 end up on the streets and they're all over
10 my neighborhood. I mean, I walk down the
11 street all the time, and I was going to
12 actually walk down and pick up all of the
13 plastic bags that I saw on my way to work
14 this morning, but it was raining and
15 they're kind of disgusting, so I didn't,
16 but it's really sad.

17 So I really just hope that, you
18 know, that City Council will consider this
19 legislation because it's better for the
20 environment, it's better for the public
21 health and the citizens of Philadelphia,
22 and that, you know, you really consider it
23 in relation to what the citizens of
24 Philadelphia want and not in relation to
25 what the industry wants, because they

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 don't live here, they're not a part of our
3 community.

4 And if they want to come clean
5 up our streets, then that's fine, but
6 they're not the ones that are, you know,
7 out every day like the citizens are, you
8 know, cleaning up our parks and our
9 neighborhoods.

10 Thank you very much.

11 COUNCILMAN KENNEY: Okay. Thank
12 you very much for your testimony and for
13 coming in.

14 (Applause.)

15 COUNCILMAN KENNEY: Any
16 questions for these witnesses?

17 (No questions or comments.)

18 COUNCILMAN KENNEY: Mr. Winters,
19 please.

20 Also, in an attempt to
21 accommodate the Belmont Charter School,
22 which has to leave, we would ask Kendell
23 and Sashiana to please come up to testify
24 after Mr. Winters, so whoever is ready to
25 go.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Mr. Winters please identify
3 yourself for the record.

4 MR. WINTERS: Thank you. My
5 name is Dennis R. Winters, and I am the
6 conservation chair of the Southeastern
7 Group of the Sierra Club. I'm also a
8 member of the Solid Waste Committee of the
9 Pennsylvania Department of Environmental
10 Protection.

11 Twenty-five hundred of our
12 groups, nine thousand members, live in the
13 City of Philadelphia, and I'm here today
14 to express their support for Bills 090064,
15 74, and 75, legislation that would have
16 the effect of reducing our dependency on
17 foreign oil and the amount of petroleum-
18 based solid waste that is incinerated,
19 landfilled, and littering our city.
20 Further, eliminating these products helps
21 reduce carbon dioxide emissions resulting
22 from their creation and their disposal.

23 Local Sierrans support this
24 legislation because of the environmental
25 and esthetic impact of these plastic

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 products, particularly while practical and
3 widely variable alternatives exist to
4 replace them.

5 Today, 80 percent of the
6 country's groceries are bagged in plastic,
7 up from just 5 percent in 1982. In 2001,
8 the US EPA stated that the worldwide
9 plastic bag consumption was somewhere
10 between 500 million to a trillion. I'm
11 sure it's over trillions today. Millions
12 of these bags end up in landfills but
13 millions more end up littering our
14 streets, catching in our city's trees, or
15 being flushed by storm water into our
16 rivers and ultimately into the ocean.

17 Scientists say that the number
18 of plastic bags reaching the ocean has a
19 negative impact on marine wildlife, which,
20 mistaking tiny bits of these plastics as
21 food, are choked and strangled by the
22 debris. Ocean-borne plastic jetsam is a
23 particular threat to endangered sea
24 turtles because the remnants plastic bags
25 simulate the jellyfish that make up the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 main constituent of their diets.

3 Further, plastic waste is now
4 the major component of huge floating
5 rafts, that have already been mentioned,
6 in the eddies of the earth's oceans, those
7 in the Pacific being twice as large as the
8 State of Texas.

9 Alternatives to these plastic
10 products already exist and are readily
11 available. Plastic bags can be replaced
12 by a variety of reusable bags in one's own
13 home, and reusable shopping bags are
14 available in almost every grocery store.
15 Increasingly, they can also be found in
16 other stores selling other kinds of
17 merchandise.

18 For a sustainability standpoint,
19 a sturdy reusable bag needs only to be
20 used 11 times to have the lower
21 environment impact of using 11 disposal
22 plastic bags.

23 And as a further illustration --
24 and I won't show you all the ones you've
25 seen already, but I have a couple here I'd

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 like to bring to your attention.

3 First of all, Metropolitan
4 Bakery also has a reusable bag.

5 This one is one I obtained in
6 1970 at the original Earth Day. And, as
7 you can see, it's already biodegrading.

8 (Applause.)

9 MR. WINTERS: And it's been
10 useful ever since. And I have several
11 others that are in a little better
12 condition, but I wanted you to see that
13 one.

14 This bag is a reusable bag made
15 from recycled plastic bags. It's actually
16 made by one of our groups of the Sierra
17 Club in the State of Pennsylvania at a
18 reasonable cost, and you get a chance to
19 replace plastic bags with plastic bags.

20 Other alternatives include
21 improved or modified plastic bags,
22 starch-based bags made from starch
23 obtained from corn or potatoes and
24 converted into lactic acid. The lactic
25 acid is then polymerized into

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 biodegradable plastic known as
3 polylactide. These starch bags will
4 biodegrade after six months to a year

5 While paper has been largely
6 supplanted by plastic, compostable paper
7 bags are gaining popularity as an
8 alternative to conventional plastic bags.

9 The Biodegradable Plastic
10 Institute in New York is a part of
11 accommodating the move away from
12 non-biodegradable plastic bags and other
13 plastic products. This industry works to
14 develop biodegradable bags and packaging
15 standards and a catalog compliant
16 manufacturers of these products to
17 encourage the plastic bag industry to
18 switch to a more environmentally-sound
19 paradigm.

20 Legislation limiting or banning
21 non-biodegradable plastic bags has been
22 explored by communities all over the
23 planet. In March 2007, by an almost
24 unanimous vote, the San Francisco Board of
25 Supervisors passed a citywide ban on

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 plastic bags in grocery stores and
3 pharmacies.

4 And rather than have this
5 labeled as "a California thing," similar
6 legislation is being considered, or
7 already adopted, in: Boston; Baltimore;
8 Annapolis, Maryland; Oakland and Santa
9 Monica, California; Portland, Oregon;
10 Steamboat Springs, Colorado; and the State
11 of Hawaii. Abroad, Ireland, Taiwan, South
12 Africa, Australia, and Bangladesh have
13 either heavily taxed or banned plastic
14 bags, citing their negative environmental
15 and sociological effects

16 The Sierra Club applauds these
17 steps for waste reduction and ending a
18 needless dependency on waning supplies of
19 cheap oil. The proposed legislation under
20 consideration today presents a commendable
21 opportunity for Philadelphia-elected
22 officials to promote environmental
23 stewardship to their residents as well as
24 helping the mounting international effort
25 to eliminate -- to limit or eliminate use

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 of non-biodegradable superficial plastic
3 products.

4 The Southeastern Group of the
5 Sierra Club appreciates this opportunity
6 to presents its views in support of this
7 legislation, and we look forward to
8 additional action on the part of the City
9 Council to eliminate environmentally
10 questionable products from the City's
11 waste stream

12 That ends my formal testimony,
13 but I would like to end with a personal
14 note. I live in Center City, and, for all
15 practical purposes, Fidler Square is my
16 front yard. And, personally, I'm sick of
17 chasing plastic bags down the street,
18 picking them out of the trees, and trying
19 to keep one of the City's best kept parks
20 in the condition that you usually find it

21 So I personally urge you to pass
22 this legislation.

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

25 Sashia? Pull the microphone

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 close to you.

3 MS. TREMMEL: They'd like me to
4 start, if you don't mind.

5 COUNCILMAN KENNEY: Yes, please.
6 Just identify yourself for the record.

7 MS. TREMMEL: Of course. My
8 name is Julia Mandolini-Tremell. I'm a
9 project manager at Community Educational
10 Alliance of West Philadelphia. I work at
11 the Belmont Charter School with the
12 5th-graders. These are two of our
13 5th-graders. This is Kendell Dirkson and
14 Sashiana Massey.

15 About a month ago, we had our
16 PSSA testing, as I'm sure all of you guys
17 are familiar with. And one of the rules
18 of the testing was that we needed to have
19 plastic water bottles in each of the
20 classrooms every single day of the
21 testing. And the testing goes on -- don't
22 quote me on this, but I think it's for
23 about ten days.

24 And so, I saw all of these
25 plastic water bottles in our charter

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 director's office, and we don't have a
3 recycling program at our school yet,
4 nothing's been implemented, and I'm trying
5 to change that right now and do that with
6 the students so that they have ownership
7 of their school and their community.

8 However, so I was thinking that
9 what better way of not letting these go
10 into the trash, into our landfills than to
11 have the kids, like, go through the
12 schools. And we tried to get all of the
13 teachers on board so that they would put
14 boxes -- we tried to use boxes so that
15 they would put all of their water bottles
16 so that even if we weren't doing paper or
17 cans or bottles before, that we could at
18 least make a dent, you know, and get
19 something done and kind of get something
20 going, get the ball rolling on the
21 recycling program.

22 So I selected Kendell because he
23 has been very motivated in the past to
24 help out with recycling, and he asked if
25 he could walk around the school and pick

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 up these bottles from each of the
3 classrooms with me, and his sister also
4 helped us. So we walked around to all of
5 the classrooms and picked up the water
6 bottles. And I took them home to my
7 apartment complex where we already recycle
8 since we didn't have anything at the
9 school already. So I stuffed my car, my
10 trunk, everything with these bags.

11 And we also have -- we also have
12 another charter school underneath
13 Community Educational Alliance of West
14 Philadelphia that does have recycling, and
15 so Kendell and I walked those water
16 bottles over there as well.

17 But that's kind of just the
18 introduction to kind of how the ball got
19 rolling with recycling at the school. And
20 then, what's happened as a product of that
21 is that we have a Belmont Beacon, which is
22 an after-school program.

23 And the other students that
24 you'll see sitting over there, there are
25 just three there 'cause they're also

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 5th-graders, and I think there's also
3 4th-graders that are in now what we've
4 created to be a recycling club for our
5 after-school program because we don't have
6 anything in schools.

7 So they walked around and they
8 took pictures of the plastic bags and the
9 bottles and cans. There's also needles,
10 all sorts of things on their playgrounds
11 that kids shouldn't see at their age and
12 that they really, really want to see
13 cleaned up.

14 So, without further ado, I'd
15 like to pass the mic over to my students.

16 COUNCILMAN KENNEY: Kendell,
17 could you please just tell us your name
18 and tell us what you want to say about
19 this whole thing. And sit up a little bit
20 so we can hear you.

21 5TH GRADE STUDENT: My name is
22 Kendell.

23 I think it's important that you
24 all pass the law for 25 cents for bags at
25 the store because I think the people that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 litter on our streets would take more
3 responsibility, because if they just -- if
4 they throwing away bags that they spent 25
5 cents on, they just throwing away their
6 money. Therefore, I think it be helpful
7 if you all passed the law for 25 cents for
8 each bag at the store.

9 It's pretty gross to see that we
10 walk around our playground and see that
11 it's shattered glass, needles, and
12 everything on our playground that kids
13 like us can get hurt on.

14 And so, that's what I wanted to
15 say.

16 COUNCILMAN KENNEY: Thank you
17 very much. You said it well.

18 (Applause.)

19 COUNCILMAN KENNEY: Could you
20 please tell us your name and say what you
21 have to say.

22 5TH GRADE STUDENT: Hi.

23 COUNCILMAN KENNEY: Hi.

24 5TH GRADE STUDENT: My name is
25 Sashiana.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 I think that if you pass the law
3 for 25 cents that people wouldn't buy a
4 lot of plastic bags and would buy reusable
5 bags, and it would be better because if --
6 'cause there's a lot of Styrofoam
7 containers and plastic bags on the ground
8 that kids like me and Kendell can play and
9 get hurt.

10 And plastic bags on our
11 playground get stuck on our gates and be
12 under the slide. People get their tangled
13 foot in it and trip and fall. And when I
14 be walking to school, people just -- they
15 dump their bags, they just throw it on the
16 ground; they don't even put it in the
17 trashcan.

18 So if you would pass the law for
19 25 cents, they wouldn't buy plastic bags
20 so they couldn't throw it on the ground.
21 They would just use their reusable bags.

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

24 (Applause.)

25 COUNCILMAN KENNEY: Before I

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 recognize Councilmember Jones, obviously,
3 you're doing a very good job at the school
4 because the testimony was well given, and
5 they're very bright and mature young
6 people.

7 So thank you for your work.

8 MS. TREMMEL: They worked up the
9 guts.

10 COUNCILMAN KENNEY: Councilman
11 Jones.

12 COUNCILMAN JONES: I'm going to
13 be brief because there are a lot of people
14 who want to testify, but I could not
15 resist commenting on the fact that you
16 guys are articulate, you get it. And we
17 just hope that, you know, out of the
18 mouths of babes comes some wisdom for our
19 government.

20 And I want to thank you for
21 taking your time out of your studies to
22 come down here and participate in this
23 hearing. And we hear you.

24 COUNCILMAN KENNEY: Thank you
25 very much.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 PANEL: Thank you.

3 COUNCILMAN KENNEY: Thank you.

4 Have a good day.

5 (Applause.)

6 COUNCILMAN KENNEY: The next
7 panel is Justin Brame, Maurice Sampson,
8 Viviane VanStory.

9 (Witnesses come forward.)

10 COUNCILMAN KENNEY: Whoever
11 would like to go first.

12 MR. BRAME: My name is Justin
13 Brame. I've been a resident of
14 Philadelphia for about 12 years now.

15 For almost two years now, I've
16 spent a large portion of my life's energy
17 working as an account manager for the
18 Chico Bag Company. Thank you for the
19 little plug, for pulling out the Chico Bag
20 there.

21 As you may know, Chico bags are
22 compact and reusable shopping bags
23 designed for those who have difficulty
24 remembering the bulkier or canvas-style
25 reusable totes. Most my time has been

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 spent setting up retail accounts in a
3 myriad of places, anywhere the common
4 T-shirt or plastic bag might be found.
5 I've also helped o set up fundraisers at
6 schools and churches and provided many
7 businesses with customized promotional
8 items that, most people will readily
9 acknowledge, are a true solution to the
10 problem of single-use bags.

11 In this time, I've also pored
12 through countless websites, newspaper
13 articles, and magazine articles in an
14 effort to best educate myself and decipher
15 the various realities of the issues we are
16 hearing today.

17 When I stop to think about it, I
18 realize how annoying I must be to my
19 friends and family when our conversations
20 have been so fraught with such a
21 relatively inane issue such as plastic
22 bags. But the more I learned, the more I
23 realized that the seemingly innocuous
24 single-use plastic bag not only poses real
25 environmental issues but is also symbolic

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 of so much more.

3 Contrary to your expectations at
4 this point, I have very little to gain
5 from the passage of the plastic bag ban or
6 for a green fee. I personally have
7 finally reached a point in my life where
8 I've decided to dedicate the next four
9 years towards pursuing my doctor of
10 chiropractic. So very soon, I'll be
11 stepping away from the world of reusable
12 bags. But before I do, I want to help
13 make a few things clear here.

14 This issue is not about jobs.
15 Yes, almost 200 Americans lost jobs when
16 (indiscernible) closed one of their
17 factories in South Carolina last fall.
18 But the flip side of the coin is that
19 entrepreneurs around the country have
20 started countless small businesses selling
21 reusable bags.

22 When I started with the Chico
23 Bag Company two years ago, I believe there
24 were about 6 of us, and now there are over
25 35 employed. In this economic climate,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 many businesses will fail. Those that
3 safeguard the environment will have
4 greater potential to prosper. Those that
5 continue wasteful, consumptive practices
6 will likely find themselves struggling.
7 This is one of the reasons why I believe
8 this is -- this issue is symbolic of
9 greater things.

10 This issue is not about plastic
11 versus paper. One of my favorites
12 arguments that I've heard is that plastic
13 is more environmentally friendly than
14 paper. I like this argument because I
15 agree with the premise, the premise being
16 that the plastic is lighter and so the
17 carbon footprint is lower because it's
18 lighter to ship than paper.

19 But the interesting thing is
20 that these arguments almost always leave
21 reusable shopping bags out of the
22 equation. Certainly, the reusable
23 shopping bag will always trump paper and
24 plastic in terms of which has the lowest
25 carbon footprint when looked at over the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 course of its life cycle.

3 This issue is not about whose
4 truths are more right. You know how
5 articles posted on the Internet these
6 days, they have a space below to post
7 comments about the article. For the last
8 two years, I've had Google searches set up
9 to deliver industry news articles, and
10 almost without fail, the first comment
11 after each article has a link to the
12 website The Truth About Plastic Bags.com.
13 This website presents myths versus facts
14 designed to confuse the real impact of our
15 mass consumption of single-use plastic
16 bags.

17 For example, the website's home
18 page debunks a myth that plastic bags are
19 the number-one threat to ocean wildlife
20 and says that discarded fishing line poses
21 the greater hazard. Forgetting for a
22 moment which statements may be more
23 accurate, an intelligent reader will
24 recognize that the entire website is
25 designed to mislead the public to believe

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that plastic bags have no accountability.

3 As a side note, this link is so
4 prevalent that I can only imagine that it
5 must be somebody's sole job to ensure that
6 that link is posted after every article.

7 This issue is not about poor
8 people. In Washington, D.C., in 1987,
9 race and class were cleverly used to
10 divide a unified public that supported a
11 ballot question that would have levied a
12 5-cent, a nickel deposit, on plastic or
13 glass drink bottles. Today, those
14 opposing this legislation will likely aim
15 to divide the Councilmembers that
16 suggesting that a ban or a fee will
17 inadvertently have negative consequences
18 on the poor.

19 At this point in history, I
20 would be disappointed if we are not able
21 to see through these manipulative and
22 deceitful practices. While they claim
23 they are concerned about the effects on
24 the pockets of the poor, the American
25 Chemistry Council did report spending over

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 \$180,000 to fight Seattle's plastic bag
3 green fee, which the Philadelphia's
4 legislation is modeled after.

5 If this is really about the
6 effects on low-income communities,
7 \$180,000 of reusable bags would have made
8 much more tangible impact.

9 I understand that plastic bag
10 manufacturing and distribution is big
11 corporate business. The perception is
12 that plastic bags are free -- I think
13 somebody else was saying this -- but the
14 reality is that the public does absorb the
15 cost both in higher product prices passed
16 onto the consumer and the indirect cost
17 when municipalities have to clean them up.

18 The counter argument is that it
19 is a litter problem and not a problem with
20 plastics. When is the last time you saw a
21 paper or a reusable bag hanging from a
22 tree or floating down the river. It turns
23 out that the light-weight nature of
24 plastic bags that makes them so
25 environmentally friendly is also one of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 its biggest downfalls.

3 So far, I've testified about
4 what this is not about. What this is
5 about is about doing what's prudent. In
6 many ways, the problem of single-use
7 plastic bags has come to symbolize our
8 wasteful, care-free attitude toward
9 consumption. It also reflects the various
10 dichotomies that occur between corporate
11 interests and grassroots networks of
12 concerned citizens. When corporate
13 interests align with the true needs of the
14 people, there's harmony; when they don't,
15 we have hearings about plastic bags.

16 Today, speaking from the heart
17 about a chapter that is closing in my
18 personal life, I encourage each and every
19 member of City Council to pass the green
20 fee as a means of discouraging the
21 wasteful habit of single-use plastic bag
22 consumption.

23 Thank you.

24 COUNCILMAN DiCICCO: Thank you.

25 (Applause.)

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN DiCICCO: Thank you.

3 Please identify yourself for the
4 record and proceed with your testimony.

5 MS. VANSTORY: Good morning. My
6 name is Viviane VanStory, and I'm
7 president and founder of an organization
8 called Community Land Trust Corporation, a
9 community housing development
10 organization.

11 A community land trust
12 corporation's primary objective is quite
13 comprehensive. It's the planning, design,
14 and management of the public outdoor
15 environment.

16 For twenty five years, I've
17 studied urban environmental changes here
18 in Philadelphia. I -- the community
19 opposes the fee for 25 cents. If you have
20 an access card and you have 20 bags once a
21 month, how can you afford 25 cents.

22 We have an alternative
23 suggestion. Instead of losing jobs at
24 manufacturers, why don't they make
25 biodegradable bags instead of plastic

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 bags. Wouldn't that make more sense than
3 for them to lose jobs than to charge 25
4 cents for people that can't afford to pay
5 for bags? Save-A-Lot is an example. They
6 do bring bags, but they bring plastic
7 bags.

8 I'm here to talk for the urban
9 part of Philadelphia here. I go to whole
10 foods, which is a good store here, but --
11 I'll wait till you finish talking before I
12 --

13 COUNCILMAN JONES: No, I'm
14 sorry.

15 MS. VANSTORY: Mm-hmm.

16 COUNCILMAN JONES: We're
17 listening but I wanted to let him know
18 that I wanted to comment.

19 MS. VANSTORY: Okay, thank you.

20 Whole Foods is a good store, but
21 you don't find people with six or seven
22 children going to Whole Foods every month
23 for shopping there. And they have bags
24 that are biodegradable that have come out.

25 I'm here to support the bills

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that are before you today but my oppose
3 are the 25 cents. And the students spoke
4 very good here; they were taught to speak
5 that way. But if their parents knew that
6 they were testifying on charging 25 cents
7 per bag, if they have four or five, it
8 wouldn't be -- I don't think it would be a
9 good suggestion.

10 And I thank you for allowing me
11 to testify here today. And I thank you
12 for having this hearing on the
13 environmental issues here in Philadelphia.

14 COUNCILMAN JONES: And I
15 appreciate your comments, and I think most
16 of the panelists agree that the idea here
17 is to get the manufacturers of bags to
18 understand that the time has come for
19 biodegradable alternatives.

20 MS. VANSTORY: Yes.

21 COUNCILMAN JONES: So we agree
22 on that.

23 One of the things that you tend
24 to do to change behavior is to create
25 financial incentives to do so.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MS. VANSTORY: Mm-hmm.

3 COUNCILMAN JONES: So the idea
4 of the 25 cents is not so much to be a
5 burden on people with access cards --

6 MS. VANSTORY: Mm-hmm.

7 COUNCILMAN JONES: -- many of
8 whom are in my district. I thought about
9 this a long time before I signed onto
10 this.

11 MS. VANSTORY: Okay.

12 COUNCILMAN JONES: But one of
13 the environmental issues that I have in
14 the lower-income areas of my district are
15 the tumble weeds -- that kids call "tumble
16 weeds" now that are known as plastic bags.

17 MS. VANSTORY: Mm-hmm.

18 COUNCILMAN JONES: And one of
19 the issues is the drug baggies that I find
20 littered on the streets when I do cleanups
21 with my block captains. We sweep up as
22 many plastic drug bags as we do plastic
23 bags.

24 And it is of a concern to me
25 when I go to a playground, and before a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 kid can play catch with his father or his
3 teammates, they have to clean the school
4 yard of plastic bags and other debris
5 before they can even begin a recreation
6 activity.

7 So we, as a city, aren't trying
8 to be onerous to low-income areas. And,
9 believe me, I thought about this three
10 times before we even signed on.

11 But what we have to do, what we
12 cannot afford not to do is change the
13 behavior of the people that bring plastic
14 into our environment and leave it there
15 without any regard for how it gets picked
16 up.

17 As I do budget hearings for the
18 Sanitation Department, we are actually
19 literally choosing between picking up
20 trash twice a month versus the weekly
21 amount of trash that we do because of the
22 tonnage, the increased tonnage, based on
23 plastic and disposal cartons.

24 We're going to change behavior
25 and it is as easy to supply customers with

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 alternatives. I remember when we used to
3 get Big Macs in these kinds of things, and
4 we're pushing them to do it again. And
5 it's not designed to be a punishment but
6 to be some type of prodding to the
7 industry to let them know that recyclable,
8 sustainable communities' time has come.

9 MS. VANSTORY: Community Land
10 Trust Corporation has been dealing with
11 environmental issues and changing behavior
12 changes since 1980s. We have had Youth
13 Works teaching them the quality of the
14 water quality in Philadelphia, plastic
15 use. And we've work with the Department
16 of Corrections in managing land longer
17 than any entity here in the City. So we
18 are very much aware of it.

19 But what I'm here saying to you
20 is that we need to go after the
21 manufacturers on changing their behavior
22 on manufacturing the types of materials
23 that are bad for our economy and
24 environment, because if I have a choice
25 between -- if I don't know the choice, we

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 need to educate them concerning what is
3 good and what is bad for our environment.

4 And once we do that, the third
5 generation will know what's good and
6 what's bad, I accept it. For an example,
7 to put their recycle bins in their area
8 and a trash bin, they said they don't do
9 that because the children will not
10 recycle, but if their parents are being
11 fined, like they are, and once they're
12 being fined at home because it's at their
13 pocketbook, then when they go out into the
14 street, maybe the second generation will
15 know the difference between recycle and
16 trash. So we need to educate them first.

17 But we don't -- I guarantee you,
18 if you pass the bill of 25 cents, they're
19 going to look at each Councilperson in the
20 district when it comes for voting, what
21 they're doing to you.

22 Thank you for your time again.

23 COUNCILMAN JONES: I appreciate
24 it. And I hope they do, I hope they do,
25 because if I can go to a school yard that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 is clean, and if I can go to folk and let
3 them know that we are changing the mindset
4 of not only the consumer but the
5 manufacturer, I'll be judged on that.
6 I'll take that.

7 MS. VANSTORY: Thank you very
8 much.

9 COUNCILMAN KENNEY: Thank you
10 very much for your testimony. Please
11 identify yourself for the record.

12 MR. SAMPSON: Yes. My name is
13 Maurice Sampson, and I'm Chair for the
14 RecycleNOW Campaign, and I'm here today to
15 offer the enthusiastic support on behalf
16 of the Recycling Alliance of Philadelphia
17 for the legislation that we're discussing
18 today.

19 I also want to suggest that if
20 these measures are adopted, not only will
21 they reduce waste, but they also will
22 provide an incentive in using reusable
23 bags and purchasing the biodegradable
24 items, which is a growing industry, and it
25 provides an incentive to help us go in

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that direction.

3 A whole lot of what I'm hearing
4 today, I wonder how much of this isn't
5 about changing what we buy and moving
6 dollars from what we buy in one instance,
7 let's call it the "old world one-way
8 disposal," to the idea of the kind of a
9 green world that we're looking at, where
10 things are reused or are readily absorbed
11 by the environment.

12 I want to really begin by
13 thanking Councilmen Kenney and DiCicco and
14 your staff for your leadership in
15 introducing this legislation. I also want
16 to acknowledge that this legislation is
17 not the result of pressure from the
18 environmental community but, really, it's
19 a product of your own deep concern to
20 address the filth that depresses all of
21 our neighborhoods, and we're proud to
22 follow your lead.

23 I'm here to report for the
24 record that Philadelphia isn't alone.
25 According to National Geographic News,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 politicians all across the US and around
3 the world, from Australia to the United
4 Kingdom, have taken action on, or are
5 seriously considering, banning or taxing
6 plastic bags. Local legislators like
7 yourselves have proposed legislation in:

8 New York City.

9 Boston.

10 Baltimore.

11 Annapolis, Maryland.

12 Washington, D.C.

13 Austin, Texas.

14 Phoenix, Arizona.

15 Springboat Springs, Colorado.

16 Portland, Oregon.

17 San Francisco, Oakland, Santa

18 Monica, Los Angeles, California.

19 And I'm sure there are others.

20 One of the most successful
21 measures really in the world is in
22 Ireland. They imposed what they call the
23 Plastax in 2003, charging 22 Euro cents,
24 which is the equivalent of about 34 a bag.
25 This tax has reduced the plastic bag usage

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 there by 90 percent in favor of the cloth
3 and reusable bags.

4 A national ban or a tax is being
5 debated in Australia and in the United
6 Kingdom. Plastic sacks are also taxed in
7 Italy, Belgium. Grocery shoppers must pay
8 for bags in Switzerland, Germany, Holland,
9 Spain, and Norway. In South Africa,
10 plastic bags are jokingly called "the
11 national flower." Thin bags were banned
12 in 2003, and the thicker bags are taxed.
13 Similar measures exist in Rwanda,
14 Salmaniya, Tanzania, Kenya, and Uganda.

15 In China, plastic bags are
16 referred to by an expression that,
17 translated, means "white pollution." The
18 thinnest bags were banned nationwide just
19 before the Summer Olympics. Taiwan taxes
20 bags, as does the city of Dunka,
21 Bangladesh. Mumbai, India banned them
22 to -- in this case, it's to produce the
23 flood-inducing storm drain clogs during
24 their moan soon season.

25 What this action around the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 world tells us is that your actions to ban
3 or tax bags and disposal packaging is not
4 only not radical; it's decidedly
5 mainstream.

6 Finally, I want to share with
7 you an experience I had early in my career
8 that I think is relevant to your
9 objectives. In 1983, as the recycling
10 coordinator for Newark, New Jersey, I was
11 summoned to attend a meeting at the
12 Rutgers Bush College, which is the
13 engineering school there, together with
14 other recycling coordinators across the
15 state, a number of public officials from
16 the New Jersey Environmental Protection
17 Agency. Now, what's important about this
18 is that at the time, most of the recycling
19 coordinators in the country were in New
20 Jersey, and we were a part of that
21 vanguard.

22 The focus of that meeting -- it
23 was sponsored by the packaging department
24 of the engineering school, which was, at
25 the time, one of only two universities in

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the country that do packaging design.

3 There were also representatives there from

4 the packaging industry.

5 The purpose of the meeting was
6 to provide us, as public officials, with
7 information on the coming trends in
8 packaging. I learned three things from
9 that meeting and a fourth in the year that
10 followed that, quite frankly, have pretty
11 much informed my whole career.

12 First what I learned is that
13 when an engineer designs a package, he or
14 she does so with the intent of protecting
15 the product, providing a billboard to
16 promote the product, and putting it
17 together at the lowest possible cost to
18 their customer, which would be the
19 industry that wants to package its
20 products.

21 Second, I learned that,
22 according to the packaging industry, what
23 we were told, is that it was their job to
24 produce the packages that consumers want;
25 and, as a public official, it was our job

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 to figure out how to use taxpayers'
3 dollars to collect and dispose of that
4 packaging when it was discarded.

5 The third is that the only
6 options that are left to public officials,
7 when manufacturers don't take the
8 responsibility to deal with the ills that
9 their products produce, we only have three
10 tools: We can regulate them, we can tax
11 them, or we can ban them.

12 Fourth, and most important, is
13 what I learned in the couple of years that
14 followed. Recycling of packaging is not a
15 realistic option; it is a delay tactic, it
16 is a delay tactic. I have been there, we
17 have done that, it didn't work, and it
18 won't work.

19 Globally, experience shows that
20 bans and taxes work. Given the outcome of
21 many proposals around the country, what we
22 have been coming to is recycling over bans
23 and taxes. If, indeed, you find that that
24 becomes your compromises position, I want
25 to offer a recommendation:

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Hard-wire into the legislation
3 mandatory goals that need to be met on a
4 timetable. If the goals aren't met,
5 trigger the ban, trigger the ban. It
6 happens if they can't meet them, okay?

7 Good luck. We're with you a
8 hundred percent, and I expect we'll be
9 back next year to do this again.

10 COUNCILMAN KENNEY: Thank you.
11 Well, I hope not, but thank you for your
12 testimony.

13 (Applause.)

14 COUNCILMAN KENNEY: Councilman
15 Jones.

16 COUNCILMAN JONES: Thank you.

17 A sincere thanks to all of you
18 and even the contrary opinions because
19 it's important for to us take into
20 consideration everyone's view of what the
21 impacts will be and unintended
22 consequences sometimes of legislation. So
23 truly, I appreciate that.

24 Maurice, I just want to thank
25 you because I'm the newer member up here

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 but I'm not so new to government not to
3 know your commitment to recycling in the
4 City of Philadelphia and some of the
5 architect of some of our current recycling
6 programs. And I thank you for taking the
7 time out to come and give your view on
8 this.

9 MR. SAMPSON: Anytime.

10 COUNCILMAN KENNEY: Thank you
11 very much for your testimony.

12 Our next panel is Lara Kelly,
13 Lynn Mather, Phoebe Coles.

14 (Witnesses come forward.)

15 MS. KELLY: Good afternoon.

16 COUNCILMAN KENNEY: Good
17 afternoon. Please identify yourself for
18 the record.

19 MS. KELLY: My name is Lara
20 Kelly and I'm with Northern Liberties
21 Clean and Green.

22 COUNCILMAN KENNEY: Please
23 proceed with your testimony.

24 MS. KELLY: I see a lot of suits
25 here, and I suspect that they represent

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 some rather large companies. Behind me,
3 not in front of me.

4 COUNCILMAN KENNEY: Oh, okay.

5 (Laughter.)

6 MS. KELLY: But I'm here to
7 represent a neighborhood in this city.

8 We do have a lot of fundraising
9 on a very basic level. We have plant
10 sales and we have music festivals, we do
11 bake sales, you know, really simple stuff.
12 And part of the money that we raise goes
13 to cleaning our neighborhood.

14 We have two guys who would
15 otherwise be unemployed if our
16 neighborhood didn't give them some work to
17 do. It's sweeping up. It's not a great
18 job, but they make our neighborhood look
19 great.

20 No matter what we do, we cannot
21 stem the flow of plastic bags that blow up
22 Second Street and down Fifth Street. It's
23 an epidemic.

24 And as Mayor Nutter said on
25 Wednesday at the Green Works presentation,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 he wants to make Philadelphia the greenest

3 City. Well, we want to make Northern

4 Liberties the greenest neighborhood.

5 Without doing something about the plastic

6 bags, it will never happen. It's a --

7 it's an epidemic.

8 I want to encourage Council to

9 be on the forefront. As Maurice just

10 pointed out, countries around the world

11 are taking a stand against plastic bags,

12 and there's a reason for it.

13 For once, I'd like Philadelphia

14 to be in the forefront instead of waiting,

15 like old Philadelphia, where half the

16 world is doing something, and then we jump

17 on the bandwagon. Let's be progressive

18 and let's step into the forefront, and

19 let's do it. Let's be one of the second

20 or third cities in this country to really

21 take a stand and do something about

22 plastic bags.

23 I just have a --

24 (Applause.)

25 MS. KELLY: I just have a quick

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 couple facts that I found entertaining.

3 Every year, Americans throw away
4 some hundred billion plastic bags after
5 they've been used once, to transport a
6 prescription home from the drugstore or a
7 40 home from the corner store.

8 If we can learn to put a seat
9 belt on every time we get into the car, we
10 can learn to bring a reusable bag to the
11 store with us every trip. It's about
12 retraining your brain.

13 Plastic bags are very
14 aerodynamic. I took, I'd say, a half
15 dozen of these pictures just around the
16 city. Plastic bags are very aerodynamic.
17 Once aloft, plastic bags cartwheel down
18 streets, they land in trees, they billow
19 into fences, wash into our rivers, and end
20 up in the ocean. Bits of plastic bags
21 have been found in nests of albatrosses in
22 the remote Midway Islands; they never die.
23 The albatross do, the plastic bags don't.

24 The problem with plastic bags
25 isn't just where they end up; it's that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 they never seem to end. All of the
3 plastic that has ever been made is still
4 around in smaller and smaller pieces.
5 Recycling is a great proposition but only
6 1 percent of plastic bags get recycled.
7 And even if that was encouraged, if people
8 put them into a bin to be recycled, they
9 still get blown down the street; they're
10 very aerodynamic.

11 Northern Liberties Clean and
12 Green cannot support Council anymore
13 wholeheartedly on this. We think it's a
14 great idea.

15 COUNCILMAN KENNEY: Thank you
16 for your testimony. Please identify
17 yourself for the record.

18 MS. MATHER: Lynn Mather.

19 COUNCILMAN KENNEY: Please
20 proceed.

21 MS. MATHER: And I reside in Mt.
22 Airy.

23 When I first heard about these
24 three bills, I cheered. And then my
25 second reaction was, Oh, I better keep the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 plastic bags I have. I have not been
3 acquiring plastic bags willingly for many,
4 many years and, yet, they still come into
5 my home because I do purchase food and I
6 do buy hardware and I do buy clothes, and
7 very often, these things come already with
8 plastic on the outside. And I get them
9 home that way.

10 I have for years been telling
11 people not to leave any -- when they bring
12 plastic bags in my home, to leave with
13 their plastic bags. So I'm not looking to
14 acquire any more. And I remember the last
15 time I believe that I actually purchased
16 plastic was in April of 2003 for a project
17 for putting personal-care items together
18 for Iraqi citizens, and I was required, I
19 was told, if I was going to take part in
20 this project, I needed to have these
21 plastic bags. So I very -- with great
22 reluctance, purchased them.

23 But I realize, nevertheless, I
24 have all over my house plastic bags
25 serving me in many different capacities --

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 as well as holding dry beans and nuts from
3 my food co-op, but I use them when I
4 travel for holding jewelry and for storing
5 dirty laundry when I travel, and in the
6 yard for weeds and debris. And it will be
7 for me also a change, I realized, as my
8 second reaction.

9 Changing habits is a radical
10 thing. And when they're habits of a
11 lifetime, it's a considerable step for
12 people to make. And we often need
13 something very clear and very strong to
14 help us along. And something like bans,
15 regulations, restrictions are really
16 assets to help us when we recognize that
17 the conditions that come from this will
18 improve our culture, our life.

19 There are many products we
20 produce in our society, our market-based
21 culture. We have the freedom to produce,
22 you know, just about anything. And we're
23 not -- we're not required to think about
24 all of the consequences of it, whether it
25 comes to cellphones and the risks that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 they clearly entail with particular use,
3 that now are seeing more and more kind of
4 restrictions on them; or nuclear devices
5 that weren't thought through in terms of
6 their longer-term consequences for waste
7 storage and possible and harmful uses.

8 So this is just, I think, the
9 step -- a regular step in the course of
10 human activity and in human enterprise
11 that is inevitable.

12 I see other positives to it in
13 direct results of this. One that I
14 imagine that will happen will be reduction
15 of trash overall in the City. I have been
16 observing the output of trash and
17 recyclables on our block for a period of
18 months and have learned that although the
19 City doesn't require any plastic bagging
20 of trash or plastic bagging of
21 recyclables, people do it. I have
22 informed my neighbors -- we have an e-mail
23 list on my block, and I have informed them
24 a number of times that we don't need to
25 put them in plastic bags, that the City is

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 very willing to take them directly from
3 your barrel. And yet people continue.
4 Again, it is habit, it seems convenient.

5 This is -- I think people will
6 begin to see their trash differently as
7 they realize that they don't have that
8 asset, what seems to be an asset, of
9 plastic bags to put things in. And I
10 think it will support the effort for
11 composting, which, I think, is having a
12 tremendous surge right now, and it would
13 give it a real -- greater support.

14 So I urge you to consider all
15 three of these bills.

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

18 Please identify yourself for the
19 record.

20 MS. COLES: Good afternoon.

21 COUNCILMAN KENNEY: Good
22 afternoon.

23 MS. COLES: My name is Phoebe
24 Coles, and I'm with Keep Philadelphia
25 Beautiful. It's nice to see Councilman

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 DiCicco, Kenney and Jones this afternoon.

3 COUNCILMAN KENNEY: Thank you.

4 MS. COLES: I'm here

5 representing Philadelphia's affiliate for

6 our national organization Keep America

7 Beautiful. For the last 50 years, Keep

8 America Beautiful has been concerned

9 primarily with waste -- litter abatement,

10 waste reduction, and beautification in

11 communities. So I'm able to sort of

12 harness the experiences of over 500

13 affiliates nationwide to just give a

14 little -- some of the projects that have

15 been successful using education and

16 awareness as a stimulant for behavioral

17 change.

18 We've seen litter reduction

19 rates for plastic bags and, in particular,

20 in Austin, Texas. Texas, just like

21 Pennsylvania, is also looking at a

22 statewide ban or a statewide legislation

23 against bags. And in lieu of that, our

24 affiliate, Keep Austin Beautiful, was able

25 to harness partnerships between private

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 and government to do the following:

3 In their first round of
4 reporting -- this is an 18-month pilot
5 that they've done. In their first round
6 of reporting, they were able to reduce the
7 amount of plastic bags purchased by 40
8 percent, they increased recycling by 20
9 percent, and a total of over 443,000 bags
10 were given out to residents of Austin,
11 Texas.

12 For the last year, I have met
13 and talked to several of you about working
14 on waste-reduction strategies. And for
15 the last year, I have been working with
16 neighborhood corridors and other companies
17 like Terra Cycle to find a reasonable
18 solution to just the behavior change
19 aspect.

20 Whether the law goes through or
21 not, whether there's a tax or not, our
22 organization is here to be an advocate for
23 a waste-reduction strategy in general. So
24 we are actually in the process of
25 completing a request for participation

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 from business corridors to be involved in
3 a 3R campaign that: One, will sort of
4 highlight this bag, which we're calling
5 the Philly bag, and then also talk to
6 communities about their impact on waste
7 reduction.

8 It actually is kind of funny.

9 Today, you had two schools here, and I've
10 actually worked with both of those
11 schools. Cook Wissahickon was the first
12 litter-free zone school that I did two
13 years ago. And Miss Julie actually
14 e-mailed me a couple days ago, wanting me
15 to come in and do recycling. You're
16 absolutely right. The kids are the
17 impetus for this, whether they're high
18 school through college.

19 So I just wanted to say for Keep
20 Philadelphia Beautiful's part, we are
21 interested in backing up however this
22 turns out. We are starting our campaign
23 in June with commercial corridors that
24 have festivals, and we'll be talking to
25 people about reducing their waste -- not

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 only plastic bags but in general.

3 So thank you for the opportunity
4 to be on the reported.

5 COUNCILMAN KENNEY: Thank you
6 very much.

7 Is your organization in favor of
8 the bills?

9 MS. COLES: We are in favor of
10 whatever tactics we think can work for
11 litter reduction.

12 So as far as the bill is
13 concerned, we're sort of in the middle
14 because we're part of the Streets
15 Department, and so, whatever legislation's
16 enacted we'll be supportive of.

17 COUNCILMAN KENNEY: Okay. Thank
18 you very much for your testimony.

19 CHAIRMAN COATES: You're
20 welcome.

21 COUNCILMAN KENNEY: Patrick
22 Conway? Patrick Conway?

23 (Witness comes forward.)

24 COUNCILMAN KENNEY: Good
25 afternoon.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. CONWAY: Good afternoon.

3 COUNCILMAN KENNEY: Please
4 identify yourself for the record.

5 MR. CONWAY: My name's Patrick
6 Conway. I'm the president of the
7 Pennsylvania Restaurant Association.
8 Thanks for the opportunity to be with you.

9 Members of the Committee on the
10 Environment and members of Philadelphia
11 City Council, thanks for the opportunity
12 to provide testimony today on polystyrene
13 packaging and plastic bags.

14 I'm Patrick Conway, and I'm
15 speaking on behalf of the Restaurant
16 Association as well as their Philadelphia
17 Delaware Valley chapter today. Our
18 association represents restaurants all
19 across the Commonwealth, but today, we're
20 speaking for thousands of restaurants
21 right here in the City of Philadelphia.

22 Restaurants have a significant
23 economic impact on Philadelphia, and I
24 want to just touch on that briefly because
25 issues like these that we're talking about

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 today, that affect restaurants will affect
3 the City in other ways through the
4 economic impact, you know, that we have on
5 the local economy and on the families in
6 the City of Philadelphia.

7 Each 1 million in sales in
8 Philadelphia eating and drinking
9 establishments provides for 30 jobs.
10 Every dollar spent in our eating and
11 drinking places generates an additional
12 \$1.25 in sales for other industries in
13 Philadelphia, and each dollar spent in our
14 establishments also establishes 59 cents
15 of household income. So, as you can see,
16 the economic impact of the restaurant
17 industry in the City is very much a part
18 of the fabric of our neighborhoods is
19 communities.

20 Bills 090064, 74, and 75 would
21 have a negative impact on businesses in
22 Philadelphia, including restaurants,
23 especially during this extraordinarily
24 difficult economic time.

25 The proposed ban on the use of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 food packaging containing polystyrene in
3 particular would hit City restaurants
4 extremely hard. Even in good economic
5 times, restaurants operate on very tight
6 profit margins. The average table-service
7 restaurant makes only four cents on the
8 dollar before tax, creating a fine line
9 between success and failure.

10 In addition to the negative
11 impact of the bills that we're talking
12 about today, Philadelphia's restaurants
13 are also now facing another huge economic
14 burden: the implementation of the nation's
15 most onerous menu-labeling law, which will
16 go into effect on January 1st of 2010.

17 In the midst of the worst
18 economic period since the Great
19 Depression, many City restaurants are
20 today preparing to spend thousands of
21 dollars to hire nutritional experts to
22 analyze the nutritional content of each
23 and every menu item and reprint entire
24 menus and menu boards.

25 Banning the use of rigid

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 polystyrene in particular is especially
3 difficult because restaurants use items
4 like straws, utensils, and lids, and
5 they're made from materials more rigid
6 than foam. These items are necessary for
7 handling hot foods in particular.

8 Substitute materials simply do not hold up
9 with hot foods very well. Can you imagine
10 your fork bending or melting because it
11 can't take the heat from a simple food
12 item like mashed potatoes and gravy?

13 In addition -- and I think this
14 is an important note -- health
15 organizations endorse the use of
16 polystyrene food-service products because
17 they provide increased food safety, and
18 they lessen bacteria in food-borne
19 illness, which we think is a very
20 important, especially in today's world.
21 Polystyrene food-service disposals also
22 meet stringent US Food and Drug
23 Administration standards and have been
24 used for 50 years with a very positive
25 food-safety track record.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 In terms of composting and
3 recycling, it's also been found that no
4 market exists today outside of China that
5 will accept and use food-contaminated
6 paper products. Another important
7 consideration, we believe, is that there's
8 no environmentally-acceptable form of
9 litter, none of us believe that. You
10 know, litter is a serious problem, and
11 focusing on just one or two packaging
12 types is really not an effective or
13 comprehensive way to address the reduction
14 of all litter in the City.

15 In fact, a 2008 litter audit
16 done for the City of San Francisco
17 confirms that banning food-related
18 polystyrene foam packaging would simply
19 change the type of litter found on our
20 sidewalks, in our streets, and in our
21 waterways. Instead, we believe we should
22 work together to develop a comprehensive
23 strategy to reduce litter overall in
24 Philadelphia.

25 We appreciate the good intent of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 City Council in considering the bills
3 we're discussing today, but we believe now
4 is simply the wrong time to push forward
5 with rigid and costly legislative mandates
6 that will have a negative impact on
7 struggling City businesses and that it
8 will not truly address the environmental
9 issues, which we all share.

10 We urge the City Council to
11 collaborate with businesses, including our
12 restaurants, most of which or
13 independently owned, you know, independent
14 operators or franchisees, other consumers,
15 other government agencies, to develop a
16 truly effective and comprehensive strategy
17 instead.

18 In closing, I'd like to thank
19 the committee and the Council for the
20 opportunity to be here today. As always,
21 the Restaurant Association is available to
22 work with you as a knowledgeable resource
23 on issues like this that affect
24 restaurants.

25 Thank you very much.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Thank you
3 very much for your testimony.

4 I was born in 1958, and I've
5 eaten in a lot of different restaurants --
6 takeouts, corner delis, high-end
7 restaurants, medium restaurants.

8 What did they all do before they
9 put their material in polystyrene or
10 plastic bags? I mean, it seems that we
11 had restaurants, they flourished. They
12 went out of business for one reason or
13 another -- not necessarily because they
14 used a paper bag or because they wrapped a
15 sandwich in paper as opposed to putting it
16 in a polystyrene container.

17 So there was -- and Councilman
18 DiCicco and I have this conversation all
19 the time about the plastic bags in the
20 supermarkets. How did we exist before we
21 had them?

22 MR. CONWAY: Well, I'd like,
23 first of all, to thank you, Councilman,
24 for dining out often.

25 COUNCILMAN KENNEY: Yes.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. CONWAY: We appreciate that.

3 COUNCILMAN KENNEY: Maybe too

4 often, I should --

5 MR. CONWAY: Thank you very much

6 for that.

7 And, you know, it's a very good
8 question. Over time, I think various
9 businesses have used different types of
10 packaging prerogatives. And as technology
11 has evolved, products that -- you know,
12 polystyrene products in particular,
13 because of the food-safety assets that
14 they are and because they provide a
15 certain service to the customer by, you
16 know, utilizing hot foods and utensils
17 that don't melt, you know, we've evolved,
18 I think, as an industry to come to use
19 those more frequently.

20 Whereas, in the past, in the
21 late '50s, early '60s, you know, people
22 were wrapping up sandwiches and things to
23 go in tin foil, you know, or other
24 packaging, things that also ended up being
25 disposed.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Of. And so, it's evolved over
3 time, but I'm not sure we didn't have the,
4 you know, the same types of concerns in
5 the past, just that the products may have
6 had a --

7 COUNCILMAN KENNEY: And we had a
8 pretty extensive hearing two years ago,
9 and I'm not going to get into the efficacy
10 of polystyrene. There's as many arguments
11 that can be made by the industry and by
12 the environmentalists that can beat each
13 other up all day.

14 But, I mean, you talk about
15 melting things. I mean, I've had
16 polystyrene containers that have -- the
17 food has melted it, and, you know, you get
18 that pocked-mark-looking --

19 (Applause.)

20 COUNCILMAN KENNEY: Obviously,
21 it's hot and it melts that also.

22 The question I have for you is:
23 Have you had the opportunity to go to the
24 Lincoln Financial Field, to an Eagles game
25 or to any event there, where the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 compostable and biodegradable products are
3 used, the plastic containers, the beer
4 cups, and the soda cups?

5 What's the problem with, over
6 time, evolving in that direction as
7 opposed to staying with the petroleum
8 product? Why not go to an agriculture
9 product?

10 MR. CONWAY: You know, I think
11 our industry -- and you're going to hear
12 from a lot of qualified business experts
13 today. But, I think, speaking for
14 restaurants, you know, we're not evil
15 people.

16 COUNCILMAN KENNEY: No.

17 MR. CONWAY: We're creating jobs
18 in our communities. You know, we're
19 philanthropically-oriented. Nine out of
20 ten restaurants in Philadelphia are giving
21 back in their towns and communities and in
22 our neighborhoods, and these other
23 business folks behind me will tell you the
24 same thing.

25 I think that all of us are

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 willing to work with policymakers and
3 lawmakers such as yourselves here in City
4 Council to evolve and to try to find
5 better ways and better, you know, systems
6 that we can address some of these
7 concerns.

8 I guess our concern is that, you
9 know, we don't have -- in a draconian
10 fashion, especially in such a dramatic and
11 difficult economic time, that we
12 collaborate together to develop long-term,
13 sustainable strategies that will address
14 some of our shared concerns.

15 COUNCILMAN KENNEY: See, the
16 issue and why I -- I mean, my initial
17 comments relative to my particular bill I
18 prime-sponsored relative to polystyrene
19 was that in that bill, it says that if
20 there is not an economically-viable
21 alternative, then it's not banned. It's
22 not an outright ban. It's basically
23 saying that if we have an alternative that
24 is the same price or less, you are then
25 required to use that.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 So how would that economically
3 impact your -- the people you represent
4 if, in fact, the product that they need to
5 use is at the same price or cheaper?

6 MR. CONWAY: Great point,
7 Councilman. And I think, you know, we'd
8 like to work with you on that.

9 We think most of the
10 alternatives are more costly and less
11 effective. And, in fact, some of them may
12 not even have a recycling market. So we
13 may be, you know, evolving into a
14 situation where we're creating other
15 problems. And we would like to define
16 that and work with you so we can
17 understand what that's going to be
18 relative to --

19 COUNCILMAN KENNEY: And, again,
20 I don't want to beat a dead horse. And
21 Councilman DiCicco, I'm sure has a
22 question, and maybe Councilman Jones.

23 But we've been waiting for two
24 years for those innovative alternatives
25 and ideas. And that's, I guess, the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 frustration we feel is that when we sat in
3 our offices and had these long discussions
4 and listened to everybody's point of view
5 and went away with a good feeling that,
6 jeez, they're going to go out and come
7 back with recycling alternatives, with
8 composting alternatives, with other
9 products alternatives.

10 And nothing happened. And we're
11 back here two years later, in the same
12 spot we are today, being asked to work
13 into the future, which, as I said, early
14 on I'm very willing to do for lots of
15 other reasons. I just don't see -- at
16 some point, and I don't want to go on and
17 wax on forever, but I could tell you -- I
18 mean, he (pointing to Councilman DiCicco)
19 had an issue, the same issue I had.

20 When we went through the
21 cigarette, the smoking ban situation, I
22 remember sitting in here and listening to
23 mom-and-pop bar owners and restaurant
24 owners and the like talk about how the
25 fact that they were going to go out of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 business if we banned smoking in indoor
3 public places.

4 And I grew up in a neighborhood
5 in South Philadelphia where there was a
6 taproom or a saloon on every corner, and
7 they employed people -- waitresses,
8 bartenders, cleanup staff, the owners
9 themselves who lived upstairs, and for
10 five years, I listened to their complaints
11 and tried to understand where they were
12 coming from. And at the end of the five
13 years, I realized that I was wrong. And,
14 actually, the two of us were probably the
15 two swing votes 'cause he (referring to
16 Councilman DiCicco) came out of the same
17 kind of neighborhood setting and
18 restaurant, you know, mom-and-pop
19 operations that I did. But after five
20 years, we realized we were wrong.

21 And then we finally voted to ban
22 indoor public smoking, it was one of the
23 best votes I've ever made. And I didn't
24 realize it until, you know, it started to
25 be implemented and go into effect, and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 people were required to abide by it, that
3 the environment cleaned up, that it was a
4 nicer time to go out, that you didn't have
5 to hang your clothes in the yard when you
6 came home, you know, after a night, you
7 know, of being out in a bar or a
8 restaurant.

9 To me, we lost five years of
10 good health because I was trying to be
11 understanding to the cohort of folks that
12 were saying, "This bill will put me out of
13 business," and it didn't. It may have, in
14 fact, increased their business.

15 So that's the mindset on these
16 environmental and health-related issues
17 that I'm coming from, after having
18 experienced a five-year -- we held it up
19 for five years, waiting for the data and
20 the proof that this was, in fact, going to
21 put them out of business, when cities like
22 New York and other places and other
23 countries were experiencing an uptick in
24 people going out to restaurants and bars
25 because they no longer had that toxin in

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 their environment.

3 So working with you, I'm always
4 willing to do that. And as I said, with
5 the people from the companies around the
6 State, I'm willing to work with them too.
7 But at some point in time -- I don't want
8 to be a five-year wrong again. You know,
9 I want to try to get this done sooner than
10 we took to get the smoking ban done.

11 MR. CONWAY: Councilman, if I
12 could just comment briefly --

13 (Applause.)

14 MR. CONWAY: -- your comments
15 are very understandable. And to give you
16 a sense about some of the industry groups
17 that you may hear from today, certainly in
18 the case of the Restaurant Association --

19 COUNCILMAN KENNEY: I'm sorry,
20 not to interrupt you, but you guys didn't
21 want the smoking ban, either, did you?

22 MR. CONWAY: Well, actually,
23 what I was going to tell you is, we
24 actually just -- I like to think that
25 we're a big part of the reason that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 there's a statewide smoking ban now --

3 COUNCILMAN KENNEY: Okay,

4 'cause --

5 MR. CONWAY: -- because our

6 board, in 2006, embraced the smoking ban,

7 and we felt that there should be a

8 statewide smoking ban --

9 COUNCILMAN KENNEY: Okay.

10 MR. CONWAY: -- because of the

11 public health aspects, and it should be

12 comprehensive. Unfortunately, there are

13 some exemptions, as you know, in the State

14 bill, but we supported the ban. And I

15 point that out because we felt we did that

16 for the right reasons based on the public

17 health aspects.

18 So we're not unaccustomed to

19 taking a stand like that that could

20 require a mandate, you know, on our

21 businesses, but we try to be a thoughtful

22 and reasonable organization and be a

23 resource for you, and we just wanted to

24 raise some of the very legitimate

25 questions that I've talked about -- and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 you're going to hear a lot more from the
3 experts here behind me today -- to just
4 ensure that those are part of the dialogue
5 as we move forward.

6 COUNCILMAN KENNEY: Thank you
7 very much for your testimony.

8 We have one witness from the
9 last panel that I did not get up. Josina
10 Guess.

11 (Witness comes forward.)

12 COUNCILMAN KENNEY: Thank you.

13 MR. CONWAY: Thank you.

14 MS. GUEST: Thank you for
15 hearing my testimony.

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record.

18 MS. GUEST: My name is Josina
19 Cooper Guest. I'm the director of
20 Children Youth and Family Ministry at
21 Woodland Presbyterian Church, in Southwest
22 Philadelphia, and I'm also a nine-year
23 resident of Southwest Philadelphia and a
24 mother of three.

25 I wanted to show you all a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 sample of a weaving project that I've
3 begun doing, using plastic bags. I've had
4 people write their prayers on plastic bags
5 and then create yarn out of the plastic
6 bag to make a weaving. And I'm working on
7 making a rug that contains -- even during,
8 while we were waiting to begin, I gathered
9 the hopes and prayers of people here at
10 this hearing as well. But uh... sorry.

11 The one thing I wanted to say
12 about this weaving project is that it
13 contains -- I've been working on it for a
14 few months now, and it has the prayers of
15 homeless people of Ph.D's, of students, of
16 children, of Chinese, black, white
17 Ethiopian people from all over the City.
18 And I just believe that it's easy to be
19 polarized and to think that there's -- you
20 know, you can have one view or another
21 view, but we're all a part of one human
22 community, and our lives are very
23 interwoven.

24 And I'm thankful that our city
25 is considering this legislation and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 considering how everyone's lives are
3 affected by plastic bags.

4 And as a mother of three and as
5 a low-income person, I would just like to
6 say personally that the tax on bags would
7 have no impact on me personally. I think
8 that we are addicted to convenience in our
9 society, and I think that people should
10 pay for their addiction and count the
11 cost. And so I'm willing to support this
12 wholeheartedly.

13 So thank you.

14 COUNCILMAN KENNEY: Thank you
15 for your testimony.

16 (Applause.)

17 COUNCILMAN KENNEY: Rich
18 McMenamen, Tom Petitte, Rocco D'Antonio
19 and Randy St. John, please.

20 (Witnesses come forward.)

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

24 MR. McMENAMEN: Good afternoon,
25 Chairman Kenney --

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Good

3 afternoon.

4 MR. McMENAMEN: -- and

5 distinguished members. My name is Rich
6 McMenamen. I am the owner-operator of the
7 ShopRite at Roosevelt Boulevard and the
8 ShopRite at Morrell Plaza located in
9 Northeast Philadelphia, and I'm here to
10 comment on Bill No.'s 090074 and 090075.

11 When I purchased the ShopRite
12 back in 1995, there were six ShopRite
13 stores operating within the City of
14 Philadelphia. Today, there are 12
15 ShopRites, each employing about 250
16 associates in each. And I believe this is
17 just an example of our commitment to the
18 City of Philadelphia.

19 Wakefern ShopRite's dedication
20 to environmental stewardship is
21 multifaceted. We operate in Elizabeth,
22 New Jersey, our own recycling plant, which
23 operates 16 hours a day, 6 days a week.
24 In 2008, ShopRite recycled 98,000 tons of
25 cardboard and 2,100 tons of plastic film

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 and shopping bag.

3 In 1992, ShopRite implemented a
4 bag reuse program, one of the first of its
5 kinds in the Northeast. A customer who
6 reused their plastic, paper, or reusable
7 shopping bags are rebated 2 to 5 cents per
8 bag. So a customer that brings in a paper
9 or a plastic bag, we'll rebate them 2
10 cents when they use it. And if they bring
11 in a reusable bag from any other place --
12 it doesn't matter if it's a competitor's
13 bag or whatever the case is -- we'll give
14 them a nickel rebate off their order on
15 that particular.

16 In 2008, ShopRite customers
17 reused more than 22 million bags, saving
18 them over \$700,000 off their grocery bill.
19 The interesting thing about that is, it's
20 a 300 percent increase over last year, and
21 the early signs for 2009 are appearing to
22 be an increase over that.

23 Additionally, we provide
24 plastic-bag recycling bins and encourage
25 our customers to use fewer bags by

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 offering reusable bags for sale at a
3 nominal cost. In 2007, customers
4 purchased 200,000 non-disposal bags. In
5 2008, sales roached 1.7 million. So we
6 feel that our efforts were working as far
7 as being able to increase it at least
8 eight times.

9 It is programs such as these
10 that help better our environment.
11 Prohibiting the use of plastic and paper
12 bags and replacing them with compostable
13 bags will produce unintended consequences.
14 Combining compostable bags with the bags
15 currently being recycled at Wake Ferns
16 recycling facility will possibly
17 contaminate the load, which could result
18 in diminished recycling compatibilities.

19 It is also important to note
20 that compostable plastic bags will only
21 degrade in a professionally-managed,
22 large-scale composting facility, not in
23 the landfill where they may ultimately end
24 up.

25 We are unable to support the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 green fee, which essentially amounts to a
3 25-cent bag tax on consumers. Our
4 customers are already feeling the burden
5 of this economic downturn. Instead of
6 further straining their budgets, we would
7 rather continue to offer our customers
8 incentives and promote recycling programs.
9 The commonsense approach helps keep money
10 in our customers' pockets and bags out of
11 the landfills.

12 We believe that every retailers
13 should be responsible for improvement of
14 the environment, and not just supermarkets
15 with gross annual sales of over 2 million
16 or pharmacies.

17 In conclusion, we would ask that
18 you reconsider the legislative approach to
19 mandating compostable bags and placing a
20 25-cent tax on grocery bags; and, instead,
21 consider promoting recycling and reusable
22 shopping bag programs. We are committed
23 to working with the City of Philadelphia
24 to find a better way to effectively
25 address this issue.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 I think that we are both looking
3 for the same result; we're just going
4 about it in different ways.

5 Thank you.

6 COUNCILMAN KENNEY: Thank you
7 for your testimony.

8 Before we do the other
9 testimony, councilman DiCicco has a
10 question relative to a specific issue.

11 COUNCILMAN DiCICCO: Thank you,
12 Mr. Chair. And thank you, Mr. McMenamen
13 for your testimony.

14 I don't know if it's the
15 painkillers I'm taking today or not -- I'm
16 a little bit slow -- but I'm a bit
17 confused.

18 You have -- in your testimony,
19 you talk about the programs you have
20 initiated giving rebates for people who
21 reuse their bags. I just don't
22 understand. If people are moving towards
23 less use of plastic bags and your company
24 is part of that effort, why would not a
25 ban be appropriate? Wouldn't that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 convince everyone who comes to your stores
3 to either use recyclable bags or reuse the
4 plastic bag?

5 I'm missing something here.

6 MR. McMENAMEN: Well, I don't --
7 I'm not so --

8 COUNCILMAN DiCICCO: And it
9 would be less of a cost to you, I would
10 think, 'cause you would not have to supply
11 as many bags.

12 MR. McMENAMEN: You know, in
13 quick calculations, when you look at that
14 and the way the bill is proposed today, it
15 would probably save my entire bag expense
16 for two stores.

17 The question is, is that with my
18 customers -- and I have questioned a few
19 them and asked them about the idea, and
20 I've gotten some pretty negative
21 responses, I have to tell you, I have to
22 admit.

23 The problem is, is that there's
24 only so much in that pie, there's only so
25 much money that people have to spend. And

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 when they're spending \$1.50 or \$2,
3 depending on the size of the order, on a
4 bag tax, they're not buying groceries,
5 they're not putting food on their table,
6 or they're skipping it someplace else.

7 Now, admittedly, I think some
8 people will switch and will start using
9 reusable bags, but I don't know what the
10 percentage of those people are. And I
11 would rather try to change behavior, like
12 we have.

13 And what we've found is, it's
14 somewhat effective. It's still a small
15 portion of the total, but what we've seen
16 is large increases in the way that we've
17 been trying to change behavior in the
18 supermarket and would rather do it that
19 way than proposing a tax on it.

20 COUNCILMAN DiCICCO: I respect
21 your position, but if people are that
22 conscious about what the bill would be at
23 the end of the shopping experience and
24 they know that if they do not bring their
25 own bag or bags, that it's going to cost

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 'em money, I think that's the trigger that
3 goes off and says, "Hey, I better make
4 sure I bring my bag."

5 As Councilman Kenney talked
6 about earlier, I'm born 12 years before
7 Councilman Kenney, and I come from a time
8 when everything got used and reused. A
9 household of nine, which I grew up in, had
10 very little trash at the end of the week
11 because we didn't live in what I refer to
12 as "a throw-away society."

13 I always wonder, Where is
14 "away"? There is no such thing as "away."

15 And I'm not here to beat up on
16 the chemical industry. You know, as one
17 of the prior witnesses said, we've evolved
18 from packaging a certain way 30, 40, 50
19 years ago to a new way, but there are
20 unintended consequences with the new way
21 because most of the materials that we use
22 for packaging are not biodegradable, so it
23 winds up somewhere.

24 And, again, I know for myself,
25 in the last month, I've been trying to be

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 more conscious of when I go shopping. And
3 I do very little shopping, but when I do
4 go, I have a reusable bag that sits on the
5 backseat of my car. And unless it's a lot
6 of packages, I don't even take that in.

7 And when the cashier starts to
8 reach for the plastic bag -- they're
9 actually reaching for the bag even before
10 I give them my money -- I say, "I don't
11 need a bag."

12 But most people, I would
13 think -- and that's not to be
14 disrespectful -- don't think of it that
15 way because it's "away" again. It goes
16 into the trash bin that ultimately gets
17 picked up by the sanitation worker and it
18 goes away, but there is someplace that it
19 eventually winds up.

20 So, you know, people are
21 resistant to change, and it's a behavioral
22 issue that I think once people understand
23 that we are all in this together and
24 helping the environment and driving down
25 some of the costs to the same taxpayer,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 who you have a concern for that may have
3 to spend an extra quarter or 50 cents to
4 provide them with a bag, if this bill is
5 enacted, are already paying for it in the
6 tonnage that is removed from the streets
7 of Philadelphia.

8 But they don't see it because
9 it's just a part of your tax bills. When
10 you go to the store and pay wage tax,
11 sales tax, whatever in how the City
12 generates its revenue. But I think if we
13 gave them a bill at the end of the year,
14 as was being considered about charging
15 people to remove their trash, I think more
16 people would become more conscious of
17 separating recyclables from non-
18 recyclables.

19 So I don't know if there's any
20 middle ground. I don't see any middle
21 ground, 'cause what you've done -- and
22 you're looking at your numbers -- you've
23 made some dramatic increases in the amount
24 of people who are either bringing back
25 their bags or bringing in reusable bags.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 I think the ban would just go
3 the final step. That's my opinion.

4 MR. McMENAMEN: You know, a
5 couple of issues just so you'll know the
6 points.

7 You know, one of the problems
8 that I have right off the bat is that the
9 people on the firing line are not going to
10 be you and I but they're going to be the
11 cashiers that are up front and they're
12 going to hear it from every customer that
13 has to, you know, bring out that quarter.

14 And there may be a time where
15 it's severely reduced, but it's going to
16 take time, it's going to take a
17 significant amount of time before we -- if
18 we were ever able to reach that 90 percent
19 level that they have in Ireland or in
20 other places that they're talking about.

21 The other point is that I think
22 that, you know, the litter that we see on
23 the streets is a percentage of a total.
24 And I think if we really looked at the
25 size of that total and the percentage of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that, I think it's a smaller percentage of
3 that.

4 People are using those plastic
5 bags. I know if I walk into my
6 91-year-old mother's house, every trashcan
7 has a ShopRite bag in that trashcan. And,
8 you know, most of my customers, you know,
9 they want more plastic bags 'cause they
10 want to use them to put in their trashcans
11 when they get home; they only want me to
12 put three or four items in a bag. They'll
13 scream at me if I put too many items in
14 the bag, but that's primarily their reason
15 for their doing it.

16 So, you know, now the
17 alternative is, will they have to buy
18 trash bags off the shelf to do those kinds
19 of things? I'm not sure, or maybe they
20 could use the compostable, or whatever the
21 case is.

22 But I think it goes beyond just
23 them not wanting to use plastic bags; I
24 think they're using them for other things.
25 I think most people are using them for

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 other things.

3 COUNCILMAN DiCICCO: Well, I

4 just have one final question.

5 Have your stores seen any
6 measurable decrease in customers as a
7 result of the programs you have put forth,
8 charging for the bag or the rebate or
9 whatever?

10 MR. McMENAMEN: No, we have not.

11 And there would be no reason to because
12 we're actually giving them an incentive to
13 reuse that bag. So they're actually
14 getting money back for when they bring --
15 and a lot of people like it, and there's
16 people that do it religiously week after
17 week.

18 COUNCILMAN DiCICCO: And the

19 only other comment I'd make -- and if my
20 back was in better shape, I'd actually get
21 up, but you can look around these chambers
22 and you'll see these rubber wastebaskets
23 that have a plastic bag liner in it. And
24 you know where I'm going with it.

25 MR. McMENAMEN: Yeah. I --

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN DiCICCO: I just --
3 and you said the people that do use bags
4 for other uses.

5 MR. McMENAMEN: Right.

6 COUNCILMAN DiCICCO: So you go
7 out and you buy a 32-gallon rubber trash
8 waste container, and you put a plastic
9 liner in it.

10 MR. McMENAMEN: Right.

11 COUNCILMAN DiCICCO: And at the
12 end of the year, the consumer probably
13 spends an extra hundred bucks or more --

14 MR. McMENAMEN: On plastic.

15 COUNCILMAN DiCICCO: -- to put a
16 plastic bag inside a plastic container.

17 But it's all about what we have
18 been programmed to believe is a more
19 convenient way of disposing our trash.
20 The rugged bag, pull it out of the
21 trashcan and walk it to the front door.
22 It stretches, but it was in a container
23 that already serves the purpose. So it's
24 all about marketing.

25 Thank you.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 (Applause.)

3 COUNCILMAN KENNEY: Thank you.

4 MR. McMENAMEN: Thank you.

5 COUNCILMAN KENNEY: Just

6 anecdotally, we had to remove every street
7 trashcan from the East Passyunk Avenue
8 shopping district because we could not
9 keep up with the amount of residents who
10 are taking their own plastic bags after 9
11 or 10 o'clock at night and depositing
12 their households trash in our sidewalk
13 trashcans. So in an effort to keep the
14 fountain of trash that emanates from these
15 sidewalk containers, we had to actually
16 remove them because they were more
17 unsightly and more litter-prone than not
18 having them, which is another conundrum I
19 can't figure out.

20 But, anyway, please identify
21 yourself for the record.

22 MR. D'ANTONIO: Rocco D'Antonio.

23 Good afternoon, Councilman. My name is
24 Rocco D'Antonio and I'm the business
25 development manager for Penn Jersey Paper

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 in Philadelphia.

3 We're a full-line distributor of
4 food-service packaging and equipment,
5 including plastic bags, paper bags, and
6 reusable bags. We also run a successful
7 and expanding plastic bag and film
8 recycling program in the City of
9 Philadelphia and surrounding counties.

10 I'm here with Tom Petite, from
11 Goodwill Industries, who is our partner in
12 our bag recycling program.

13 We have major concerns about the
14 bills in front of you today. Requiring
15 the mandatory use of recyclable and
16 compostable checkout bags and/or taxing
17 plastic bags (indiscernible) will have a
18 negative impact on the City of
19 Philadelphia, area businesses, and
20 residents.

21 Number one, eliminating plastic
22 bags will terminate the current successful
23 recycling programs in plastic bags that
24 we've been doing for about a year-and-a-
25 half to two years now. It will also

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 eliminate the opportunity for Philadelphia
3 residents to recycle their dry cleaning
4 bags and newspaper bags, and eliminate the
5 opportunity for area businesses to recycle
6 stretch film that's used in delivering
7 product to their stores throughout
8 Philadelphia. All of that material that
9 we are currently recycling on a daily
10 basis will wind up entering the waste
11 stream.

12 Second, by eliminating plastic
13 bags, it would have an adverse effect on
14 our relationship with Goodwill for our
15 recycling program. Goodwill goes out
16 every single days and collects plastic
17 bags in and around the City of
18 Philadelphia. We will have job losses
19 because of a plastic bag ban. We will
20 lose the jobs of several special-needs
21 people, truck drivers, bail machine
22 operators, machine feeders, tractor-
23 trailer service people, forklift
24 operators.

25 It will also interrupt the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 mental and physical training of
3 special-needs people, discontinue the use
4 of special bailing machinery that we've
5 purchased, and eliminate our ability to
6 supply clean, recycled plastic material to
7 the Trex Company, which manufactures it
8 into plastic lumber.

9 By requiring the use of
10 recyclable paper bags, you will increase
11 the cost to retailers three- to fivefold
12 and increase the cost to consumers
13 purchasing products at the stores in
14 Philadelphia. In addition, paper bags
15 require tenfold the amount of warehouse
16 space and transportation as do plastic
17 bags. In other words, we would be
18 shipping ten times the amount of the
19 trucks to the stores delivering paper
20 bags, creating ten times the amount of
21 truck emissions.

22 By mandating the use of
23 compostable bags at checkout, you're
24 entering into an area where this product
25 has not been proven successful in

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 large-scale operations. Compostable bags
3 also have a shelf life; in other words,
4 they start breaking down in our warehouse.
5 That constitutes a major liability problem
6 to our customers.

7 In fact, some of the
8 manufacturers that we work with said if
9 you want compostable or degradable bags,
10 we want you to sign a hold-harmless
11 agreement 'cause we have no data that says
12 that they're going to last for long enough
13 to get through the distribution cycle.

14 Also, compostable bags cost
15 approximately ten times more than plastic
16 bags, resulting in much higher operational
17 costs and costs to the consumer.

18 In addition, in order for
19 compostable bags to be as strong as the
20 current plastic bags, that require three
21 times the amount of material -- and this
22 was proven in San Francisco. Three times
23 the amount of material, which increases
24 operational costs and energy consumption
25 for manufacturing of plastic bags

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 But most important, requiring
3 compostable bags in the City of
4 Philadelphia really doesn't make a lot of
5 sense. Philadelphia doesn't have any
6 commercial composting operations. So, in
7 effect, by offering or mandating
8 compostable bags, you really have nowhere
9 to place these bags. What you ultimately
10 end up doing, by having compostable bags
11 in Philadelphia, is increasing the cost by
12 tenfold and creating more weight of
13 material going to your landfill

14 You can't recycle compostable
15 bags, you can't do anything with them.
16 You can't compost 'em 'cause you have no
17 place to compost 'em, so you're going to
18 add significant cost to retailers and
19 consumers. And then you're going to end
20 up carting the increased amount of
21 material to your landfill

22 So because of these reasons, we
23 don't feel that either a bag tax or the
24 use of compostable bags is the answer. We
25 believe that our recycling program, which

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 has continued to grow over the past two
3 years and continued education to our
4 supermarket customers on better bagging
5 techniques and continuing creative ways of
6 getting people to reuse their reusable
7 bags more has a far better effect than
8 giving a mandate on what people can and
9 cannot do

10 I'll give you an example of
11 passing legislation versus using education
12 to change consumer behavior. I collect
13 plastic bags in Philadelphia, and I also
14 collect plastic bags in New York. New
15 York passed a mandatory law effective in
16 July that everybody has to recycle plastic
17 bags. And I can tell you that I collect
18 significantly more plastic bags per
19 account in Philadelphia than in New York.
20 And the reason for that is, New York was
21 told what they had to do, and they said,
22 Fine, we'll abide by the law, but we're
23 going to put it in the corner, whatever
24 happens happens.

25 In Philadelphia, the savvy

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 retailers embraced it and used it to their
3 advantage to cut their costs and used
4 creative marketing to go get their
5 customers and the consumers to reuse
6 plastic bags. So they have embraced it,
7 and the market drives the programs, and
8 they're much more successful than the
9 mandates have been in the areas where I
10 collect plastic bags

11 So we're not in favor of these
12 proposals. We agree that something has to
13 be done. We're working hard to minimize
14 plastic use.

15 Our plastic recycling efforts
16 have grown every single month in each
17 store we deal with, and that continues to
18 grow, and we're going to continue along
19 that path

20 And we hope that we have the
21 support of the City of Philadelphia in
22 educating people in the value of recycling
23 more and reusing less

24 Thank you very much.

25 COUNCILMAN KENNEY: Thank you

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 for your testimony.

3 Whoever is next, please identify
4 yourself for the record.

5 MR. PETTITE: Good afternoon.
6 My name is Tom Petite. I represent
7 Goodwill Industries.

8 In lieu of time, I would be
9 redundant, after what Mr. D'Antonio said.
10 I'd just like to add one thing just for a
11 point.

12 In about the last 12 months, we
13 have recycled 422,000 pounds of plastic
14 bags just from a few of Penn Jersey
15 Paper's customers.

16 Thank you.

17 COUNCILMAN KENNEY: Councilman
18 DiCicco.

19 COUNCILMAN DiCICCO: Thank you,
20 Mr. Chairman.

21 Good afternoon, sir. Where do
22 you get your recycled material from?

23 MR. PETTITE: We have two
24 service trucks that cover the City of
25 Philadelphia and parts of southern New

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Jersey, where we go into the supermarkets
3 that are customers of Penn Jersey Paper,
4 and we capture the used plastic bags that
5 customers deposit in the lobbies in the
6 special containers.

7 Then we take them back to my
8 warehouse and we bail them into, like,
9 thousand-pound bails. And then they're
10 handled again by Penn Jersey Paper.

11 And, eventually, they're turned
12 into plastic products by the manufacturer
13 of Trex, T-R-E-X.

14 COUNCILMAN DiCICCO: How much do
15 you get for a ton? Does that vary?

16 MR. D'ANTONIO: It's
17 market-driven. It goes up and down every
18 few months.

19 COUNCILMAN DiCICCO: Average.

20 MR. D'ANTONIO: About 10, 12
21 cents.

22 COUNCILMAN DiCICCO: How much?

23 MR. D'ANTONIO: About 10, 12
24 cents a pound.

25 COUNCILMAN DiCICCO: And this

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 stuff is being picked up by trucks -- pick
3 up, travel around?

4 MR. PETTITE: Yes, sir, by
5 Goodwill trucks and Goodwill employees.

6 COUNCILMAN DiCICCO: Do actually
7 see a -- I mean, at the end of the day,
8 between gasoline, tolls, and --

9 MR. PETTITE: It's a break-even,
10 if that's what you're asking.

11 COUNCILMAN DiCICCO: Pardon me?

12 MR. PETTITE: It's a break-even
13 for us, if that's what you're asking.

14 COUNCILMAN DiCICCO: But it does
15 serve a purpose in keeping people occupied
16 and training them to do things.

17 MR. PETTITE: Exactly. Yes,
18 sir.

19 COUNCILMAN KENNEY: Thank you
20 for your testimony.

21 Please identify yourself for the
22 record.

23 MR. ST. JOHN: Thank you. I'm
24 Randy St. John from the Pennsylvania Food
25 Merchants Association. We represent about

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 corporate members in the State of
3 Pennsylvania, and we employ about 131,000
4 people in the food industry, many of them
5 here in Philadelphia.

6 We certainly applaud the goals
7 of all three of these bills -- more
8 recycling and less litter. But we are
9 concerned that the methods that these
10 bills would employ will not have the
11 consequences that you're hoping for; for
12 example, the mandatory use of compostable
13 plastic bags or recyclable paper bags, but
14 only for supermarkets and pharmacies.

15 But compostable plastic bags
16 don't have anyplace to go in Philadelphia,
17 so they're going -- to the unintended
18 consequence would be that they're going to
19 be landfilled, which is not what we all
20 want.

21 All stores that aren't
22 supermarkets and pharmacies would be
23 permitted to continue giving out
24 recyclable plastic bags, as would dry
25 cleaners, newspaper delivery folks, and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 big-box stores. And we fear that the
3 unintended consequence of that would be
4 that existing plastic bag recycling in all
5 of the stores would be unintentionally
6 contaminated by the compostable bags.

7 And, furthermore, convenient
8 plastic recycling programs in Philadelphia
9 that Rocco just talked about that have
10 been operating for years are going to
11 cease to exist because there won't be an
12 adequate supply to keep them going.

13 Bill 090075 would impose an
14 advance recovery of 25 cents on
15 compostable bags. This would certainly
16 reduce the use of plastic bags as
17 consumers, we think, would probably revolt
18 against paying the 25 cents, which is, I
19 guess, what you hope, but it would also
20 diminish the recycling programs for all of
21 the plastic bags that are handed out by
22 the retailers who aren't covered by
23 collecting the fee. So we think that,
24 ultimately, that would lead to less
25 plastic recycling in Philadelphia.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 The polystyrene foam bill has a
3 ceiling on it in terms of increasing costs
4 for retailers. It wouldn't exceed
5 10 percent but it might be 9.9 percent.
6 And, again, we feel this is a hard time to
7 be increasing the costs for anybody who
8 does anything in Philadelphia.

9 We think that we need to try to
10 develop bills that will encourage and
11 reward reducing the use of plastic bags in
12 stores. We want to encourage the reuse of
13 these bags. And, ultimately, we want to
14 promote the recycling of all plastic bags.
15 And we also need to work with Keep
16 Philadelphia Beautiful to educate citizens
17 about littering and develop stronger
18 programs to enforce current litter laws.

19 All of our members live in
20 Philadelphia too, and we want the City to
21 be as green and as clean and as
22 litter-free as possible. And we'd like to
23 continue to work with you two, who have
24 done a wonderful job to shine the light on
25 a problem that exists in Philadelphia. We

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 probably haven't done as good a job as we
3 should have, letting you know all of the
4 things that the supermarket industry has
5 been doing.

6 So we would like to continue to
7 work with you on these bills and hope that
8 we can develop legislation that will bring
9 about the consequences that we all want.

10 COUNCILMAN KENNEY: Could you
11 give me an example of some of the
12 companies or types of businesses that your
13 organization represents? I mean, I know
14 the ShopRite 'cause I clearly know the
15 brand.

16 MR. ST. JOHN: Right.

17 COUNCILMAN KENNEY: But could
18 you give me some ideas of the types of
19 businesses in Philadelphia that you would
20 be representing?

21 MR. ST. JOHN: Sure. Acme,
22 Pathmark, SuperFresh, ShopRite, Wawa,
23 7-Eleven.

24 COUNCILMAN KENNEY: Anything
25 smaller or just kind of the --

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. ST. JOHN: Yeah, down to
3 little neighborhood stores.

4 COUNCILMAN KENNEY: Okay, all
5 right.

6 Part of the issue -- and we
7 experienced the same frustration again
8 anecdotally in our own neighborhood, where
9 we had an Acme that was recycling. And as
10 soon as we had the discussion two years
11 ago relative to maybe doing this education
12 recycling effort, soon after that, that
13 particular Acme, which I believe a lot of
14 them are individually owned, stopped
15 recycling. So he's more (referring to
16 Councilman DiCicco) -- he's more anal
17 about it than I am, so he collects all his
18 plastic bags and shows up at the Acme one
19 day and looking for the bin, and they took
20 it away.

21 So, again, I'm not here to go
22 over everything that didn't happen, but
23 it's hard to imagine the kind of
24 cooperation that's being suggested now
25 when it was suggested then -- and not only

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 did it happen -- I mean, I give you credit
3 for the doing the things you're doing, but
4 on the other hand, when I have large
5 retailers like that who said they had it
6 and then get rid of it, it's kind of a
7 catch as catch can, and there's no real
8 uniformity to it.

9 MR. ST. JOHN: We would
10 certainly be happy to work with you to
11 contact any of our members to encourage
12 and promote recycling we would be happy to
13 work with you to contact them.

14 COUNCILMAN KENNEY: And even
15 though it is in your opinion onerous,
16 would you agree that the 25 cents bag fee
17 would, in fact, very quickly change
18 behavior?

19 MR. ST. JOHN: I think it would
20 change behavior, but I think there's a --

21 COUNCILMAN KENNEY: Despite what
22 Mr. D'Antonio had talked about relative to
23 that side of the business, but as far as
24 actually taking a plastic bag into the
25 supermarket, it probably would almost --

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 it would cut it down pretty quick.

3 MR. ST. JOHN: I think it would
4 change behavior, but I think one behavior
5 that it would change would be the amount
6 of anger and animosity that would be
7 directed against you folks.

8 COUNCILMAN KENNEY: That's all
9 the time.

10 (Laughter.)

11 COUNCILMAN KENNEY: I'll give
12 you a good example. We were having a
13 debate over the liquor-by-the-drink tax
14 15, 16 years ago. And, of course, I was
15 against that again because of these
16 mom-and-pop bars who were going to go out
17 of business and all the other stuff.

18 And I got a call from a guy I
19 know who owned a bar, and he said to me,
20 "Did you pass that liquor-by-the-drink tax
21 yet?" I said, "No, no. I'm not for
22 that." He went, "No, no. Pass it, pass
23 it." When I asked him why, he said,
24 "'Cause I'm going to pick the dime up off
25 the bar and blame you and put it in my

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 pocket."

3 (Laughter.)

4 COUNCILMAN KENNEY: So, I mean,
5 I think anger happens but, you know, I
6 think that's a side when people get used
7 to doing things differently, and I do
8 recognize the transition period, I
9 recognize the pushback in your clerks
10 getting an earful from, you know, somebody
11 who's going to tell 'em off. I recognize
12 all of that but I -- and I do appreciate
13 your testimony and willingness to work.

14 Councilman DiCicco.

15 COUNCILMAN DiCICCO: Yeah. My
16 legislative assistant just e-mailed me --
17 thank God for technology sometimes. He
18 says if the fee leads to less recycling
19 because there are fewer bags, why is that
20 such a bad thing?

21 MR. ST. JOHN: I think you need
22 to be concerned about all of the other
23 sources that will be giving out bags,
24 big-box retailers, dry cleaners, newspaper
25 bags. They need to find their way to

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 recycling.

3 COUNCILMAN DiCICCO: Well,
4 that -- my dry cleaner, I bring the
5 plastic with the hanger back. He reuses
6 the hanger and throws the plastic in the
7 trash. So I now take the bag off and put
8 it in with the other stuff that I'm going
9 to bring to the one supermarket, which is
10 about 12 blocks from where I live, that I
11 normally drive to use, gas to get to, to
12 rid of the plastic bags.

13 I mean, you know, there's a
14 bigger issue, I guess, when the chemical
15 industry comes up and they'll talk about
16 our dependency on fuel.

17 COUNCILMAN KENNEY: Thank you
18 very much for your testimony and for your
19 patience in waiting.

20 MR. ST. JOHN: Thank you.

21 COUNCILMAN KENNEY: Shari
22 Jackson, Anthony Rizzo, George Freiji and
23 Scott Lilian.

24 (Witnesses come forward.)

25 COUNCILMAN KENNEY: Good

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 afternoon. Who would ever like to start,
3 please identify yourself for the record
4 and proceed.

5 MS. JACKSON: Good afternoon.
6 I'm Shari Jackson. I'm the Director of
7 the Progressive Bag Affiliates of the
8 American Chemistry Council. We represent
9 the major bag manufacturers and resin
10 suppliers of plastic bags. I have a
11 major -- the major bag manufacturer in
12 Pennsylvania representatives here with me
13 today. They actually will provide a lot
14 of useful, I think, information to you in
15 terms of their bags and how they function
16 in the environment and the economic impact
17 that these bills will have on their
18 operations.

19 I just wanted to touch on a few
20 things before I give them an opportunity
21 to speak. First of all, we do share your
22 concerns about litter and support the
23 intent of what you're trying to get at
24 here in reducing litter. We don't want to
25 see our bags on the street, we don't want

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 to see them littered, we don't want to see
3 them in waterways. That's not where they
4 should be; they should be recycled.

5 And, second of all, I wanted to
6 emphasize that our experience has been
7 that in those areas where they have put in
8 place bag bans and bag taxes, there have
9 been unintended consequences, and, in a
10 number of cases, they have not worked, and
11 that's something should be considered.

12 In the case of San Francisco,
13 they imposed a ban in 2007 on bags. The
14 goal was to reduce litter. They did a
15 litter audit last year, which showed that
16 it had not been the case. This was a ban
17 on plastic bags only. So the litter of
18 overall -- it switched to paper bags, and
19 overall litter increased. It had no
20 impact whatsoever on plastic bag litter,
21 which was a small portion of the litter
22 stream to begin with.

23 We constantly cite here Ireland
24 as a success. And while in Ireland, they
25 did impose a bag tax, it did significantly

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 reduce carryout bag use. The other thing
3 you don't hear about it is, it increased
4 the use of other plastic bags. Those bags
5 that were being given out at carryout by
6 retailers were no longer available for
7 reuse by consumers.

8 They were significantly reusing
9 those bags for our household purposes, as
10 they do in this country; over 90 percent
11 of Americans do reuse those bags. They
12 had to go out and buy other bags for that
13 purpose. So it increased the use of other
14 bags, which import data showed.

15 Secondly -- well, thirdly,
16 another point I need to emphasize here is
17 that we've been working on this issue
18 nationally in many jurisdictions for quite
19 some time. We've discussed every kind of
20 aspect of it -- whether bans would work,
21 whether fees would work, whether recycling
22 would work.

23 We found out there is no silver
24 bullet. It's -- this is a comprehensive
25 approach -- well, it's a complex issue

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that requires a comprehensive approach is
3 what we have found when we worked with
4 jurisdictions all over the country in
5 trying to deal with issue.

6 No state has adopted a bag ban
7 or tax. One jurisdiction, Seattle, did
8 adopt a bag tax, the City Council did,
9 that was over the objections of the
10 citizens. They did a poll there, which
11 showed the majority did not support a tax
12 on bags and were doing the right thing:
13 They were reusing and recycling those
14 bags.

15 This issue has now been put
16 before the voters in August to decide on,
17 and __

18 COUNCILMAN KENNEY: I need to
19 interrupt you.

20 MS. JACKSON: Go ahead.

21 COUNCILMAN DiCICCO: You keep
22 referring to this as "a tax."

23 MS. JACKSON: Well, a fee.

24 COUNCILMAN DiCICCO: It's a fee,
25 all right?

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MS. JACKSON: Okay, that's fine.

3 COUNCILMAN DiCICCO: 'Cause

4 tax --

5 (Indiscernible; parties talking
6 over each other.)

7 MS. JACKSON: -- the same
8 result.

9 But what I'm not hearing talked
10 about here is the number of jurisdictions
11 throughout the country that have adopted
12 extra recycling programs for bags:
13 California, New York State, Rhode Island,
14 several jurisdictions, Chicago, New York
15 City, several counties in New York, Red
16 Bank, New Jersey, Tucson. Those are laws
17 that they have adopted to provide for
18 recycling. There are a number of other
19 localities that are doing voluntary things
20 to increase the use and recycling of bags.

21 You're hearing here that
22 recycling doesn't work; it does work. A
23 total of 830 million pounds of plastic bag
24 and film were recycled in 2007. According
25 to the US EPA, there is -- recycling of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 plastic bags and film is 12 percent. We
3 know more can be done, and should be done,
4 but it's not that minimal rate you keep
5 hearing about of 1 percent of bags that
6 are being recycled.

7 COUNCILMAN KENNEY: How many
8 years have plastic-bag recycling programs
9 been in place?

10 MS. JACKSON: They are -- it --
11 overall in terms of an aggressive, you
12 know, programs?

13 COUNCILMAN KENNEY: Yeah.

14 MS. JACKSON: They're relatively
15 new. A number of stores have had them in
16 place for years. The really aggressive
17 approach, where there are bins, there's
18 education, and those kinds of efforts,
19 that's relatively new over the last couple
20 of years.

21 COUNCILMAN KENNEY: And how much
22 of a reduction in plastic-bag production
23 has been achieved as a result of
24 recycling?

25 MS. JACKSON: The only place at

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 this time -- 'cause, again, they are
3 relatively new, programs haven't been in
4 place for a long period. The only place
5 where they put in place measures to
6 benchmark results was Austin.

7 And you heard earlier from
8 Phoebe Coles. She gave you the 40 percent
9 bag reduction, the 20 percent increase in
10 recycling. Those were results of
11 aggressive efforts there.

12 COUNCILMAN KENNEY: What was the
13 decrease in bag production?

14 MS. JACKSON: 40 percent.

15 COUNCILMAN KENNEY: So the
16 companies that are making the plastic bags
17 produce 40 percent less?

18 MS. JACKSON: No. The retailers
19 bought 40 percent less bags as a result of
20 this comprehensive reduce, reuse, recycle
21 program that they put in place.

22 COUNCILMAN KENNEY: But what
23 percentage did the industry experience of
24 the manufacturer of the bag in their
25 production?

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MS. JACKSON: I'm sorry? I
3 don't understand.

4 COUNCILMAN KENNEY: If you know.
5 I mean, if you don't know, you don't know.

6 MS. JACKSON: Well, I'm not
7 following you.

8 COUNCILMAN KENNEY: I wonder if
9 anyone else knows.

10 MR. FREIJI: I --

11 COUNCILMAN KENNEY: You have to
12 identify yourself for the record.

13 MR. FREIJI: My name is George
14 Freiji. I'm a national account manager
15 for Hilex. I've been in the business for
16 24 years.

17 I think there are two different
18 issues. You're asking, because of
19 recycling, how much less bags we produced.
20 It's -- we're taking the recycled
21 materials and putting it in the bags that
22 we are producing.

23 COUNCILMAN KENNEY: Let me just
24 refine the question. What percentage of
25 non-recycled bag production decrease did

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the industry experience as a result of
3 aggressive recycle?

4 'Cause if you're producing a bag
5 that ultimately is going to be recycled,
6 then you're not producing a new; bag
7 you're producing a recycled bag.

8 MS. JACKSON: Right.

9 COUNCILMAN KENNEY: So there's
10 got to be a reduction in the initial
11 manufacturer of plastic bags if we have an
12 aggressive recycling program, 'cause
13 that's the purpose of it, is to put them
14 back into the recycle stream and not make
15 any more bags or make less bags.

16 MR. FREIJI: It's a -- the
17 reduction is in raw materials that we buy
18 and not necessarily in the number of bags
19 that we make, because we take the recycled
20 material, we replace virgin plastic with
21 it. That's where the reduction is.

22 COUNCILMAN KENNEY: Okay, all
23 right.

24 MS. JACKSON: It's a material
25 reduction.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: And do we
3 have an idea what the percentage of that
4 is? I mean, again, I'm asking questions
5 that you don't know maybe off the top of
6 your head.

7 MR. FREIJI: We're going to
8 cover that.

9 COUNCILMAN KENNEY: Okay, fine,
10 okay. Please go ahead.

11 MS. JACKSON: And, you know, I
12 wanted to emphasize those points.

13 I know here that there ever been
14 efforts locally to work with groups like
15 Keep America -- Keep Philly -- we do work
16 with Keep America Beautiful, by the way,
17 on their litter-reduction programs and
18 have for a few years.

19 But Keep Philadelphia Beautiful,
20 the food merchants, Penn Jersey, they're
21 the local efforts here to increase
22 recycling. And we were remiss in not
23 communicating with you about the things
24 that have been going on over the past
25 year, and some of which you heard, that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 were occurring as a result of the
3 discussions you had last year, but --

4 COUNCILMAN KENNEY: Two years.

5 MS. JACKSON: I'm sorry, two
6 years.

7 COUNCILMAN KENNEY: It didn't
8 seem that long, but it was.

9 MS. JACKSON: I'm sorry?

10 COUNCILMAN KENNEY: I said, it
11 didn't seem that long, but it was.

12 MS. JACKSON: I'm sorry, the two
13 years.

14 So, I mean, that should have
15 been communicated to you, what was going
16 on, and we were remiss in doing that, but
17 there were things that were going on.

18 COUNCILMAN KENNEY: Do you have
19 any idea, as a result of this aggressive
20 recycling, the increase in recycled bags
21 compared to what it was two years ago,
22 when you started working with Philadelphia
23 More Beautiful?

24 MS. JACKSON: I don't have that
25 information.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: 'Cause that
3 would be interesting to see what effect
4 the recycling --

5 MS. JACKSON: Yeah.

6 COUNCILMAN KENNEY: -- program
7 had.

8 MS. JACKSON: Absolutely.

9 COUNCILMAN KENNEY: I'm sorry.
10 Finish your --

11 MS. JACKSON: That's a good
12 question, a valid question.

13 But to that point, the recycling
14 issue, I just -- I wanted to highlight
15 that, as an industry effort, the PBA has
16 just launched an effort to -- it's a new
17 initiative to increase the recycle
18 contents in their bags to 40 percent by
19 2015. This is closing the loop and a very
20 aggressive effort on our part.

21 It will drive the market demand
22 for this material, but it is also taking a
23 lot more of that post-consumer material
24 and putting it back into bags and further
25 reducing the reliance on virgin material.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 So this is a brand-new initiative underway
3 that we're trying to work with the
4 communities and states throughout the
5 country to implement.

6 When we do work with
7 jurisdictions throughout country, we do
8 try to work on a comprehensive approach to
9 get at the litter issue. So we're not
10 doing a one-size-fits-all. We kind of
11 talk through what's needed, and we try to
12 come up with a solution together as to
13 what will work. And that's what we kind
14 of dedicate our efforts to throughout the
15 country.

16 So I wanted to emphasize that,
17 and I wanted to let you know, yeah,
18 because we were remiss in not following
19 up, there are things going on here; we'd
20 like to expand on those things. We still
21 do want to work with the Council to come
22 up with something workable here in
23 Philadelphia, so I would like to again
24 offer that out as a something we would
25 like to do.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 But I really also want you to
3 hear from the representatives of Hilex
4 Poly because -- unless you have questions
5 of me, because, as I said, they really do
6 have good information about what their
7 operations do and the jobs impact of these
8 particular bills.

9 So I'll turn it over to them.

10 COUNCILMAN KENNEY: Thank you
11 very much.

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

14 MR. RIZZO: My name is Anthony
15 Rizzo. And I'm the vice president of
16 sales for Hilex Poly.

17 I'm going to do my best to try
18 not to repeat a lot of the information
19 that's come up, but I want to make certain
20 that I circle back to some of the
21 information that was suggested earlier.

22 As evidenced by my suit, I do
23 represent a large company, you know, one
24 that has --

25 COUNCILMAN KENNEY: It's a nice

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 suit.

3 MR. RIZZO: Thank you.

4 One that has nine facilities in
5 the United States.

6 It was previously suggested that
7 this isn't about jobs; this is very much
8 about jobs. In fact, we employ -- we
9 probably employ 1200 workers in the US and
10 5,000 US family members, including over
11 150 employees in Pennsylvania alone.

12 In a negative -- in a market
13 with a negative conation, we're considered
14 the market leaders in environmentally-
15 friendly packaging solutions as they
16 relate to plastic bags. Our platform --
17 our environmental platform is founded on
18 the principles of reduce, reuse, and
19 recycle.

20 It was suggested earlier that
21 large companies need to evolve and change.
22 This company has changed significantly to
23 the extent that we've invested over
24 \$20 million in a recycling facility
25 dedicated to the recycling of plastic bags

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 alone. It's the only one of its kind in
3 the word.

4 You asked the question a little
5 bit earlier about roughly how much the
6 reduction in bag -- how an aggressive
7 recycling program is reflected in the
8 reduction in bags. I'll put it in terms
9 of reduction in virgin resin: It's north
10 of 11 million pounds every year. It's a
11 small piece of a large pie, but it's a
12 gesture that we made.

13 And it was suggested earlier
14 also that the restaurant industry doesn't
15 have large margins. A commodity-based
16 plastic business certainly doesn't have
17 large margins. We've made the investment
18 not as a method of accelerating our
19 revenue, but preserving our futures, in an
20 industry that's moving towards an
21 environment that has to have a significant
22 environmental platform.

23 We understand the intent and the
24 spirit of this legislation and how it's
25 proposed, but we believe that it will

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 ultimately drive the behavior -- will
3 drive the behavior of consumers down the
4 path that will ultimately cause unintended
5 negatives consequences for the
6 environment.

7 And it won't necessarily respond
8 to the civic issue of litter, as suggested
9 a little bit earlier.

10 My colleagues and I are here to
11 shed light on a topic that we believe has
12 been somewhat distorted and also to
13 address the potential impact -- the impact
14 associated with this proposed legislation.

15 I'm glad that our website came
16 up a little bit early, and it was
17 suggested that our website was meant to
18 mislead, and I certainly invite any
19 challenges to pick a specific piece of
20 information that they want more
21 information on; I'd be happy to clarify.

22 The principal reason we put that
23 website in place was to diffuse and, you
24 know, was to clarify some misleading by
25 other websites and other YouTube entries

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that were submitted about plastic bags.

3 And I'm not suggesting that it was anybody

4 in this room, but what I am telling you is

5 that upon further investigation on our

6 part, we found that a lot of them were

7 launched by reusable bag companies.

8 We understand that there's room

9 to improve in terms of maximizing the

10 benefits of products for consumers while

11 also minimizing the impact of our product

12 on the environment. And we've

13 demonstrated our commitment to the

14 environment in an almost counterintuitive

15 way. Over the course of the past two

16 years, we're averaging north of 25 percent

17 recycled content across the scope of all

18 of our products.

19 And when I say

20 "counterintuitive," we're actually

21 developing and supporting programs that

22 reduce the usage of bag in the United

23 States. And while we're not averse to

24 growth, we're taking that growth at the

25 expense of our competition, not at the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 expense of the environment.

3 We're leading the charge in
4 terms of promoting more efficient bagging,
5 focused (indiscernible) recycling program,
6 and a comprehensive reusable bagging
7 system that minimizes the risks of
8 contamination.

9 It's our belief that the focus
10 on the future legislation should be
11 focused on facilitating more robust
12 recycling programs rather than solutions
13 that will eliminate jobs in America. We
14 strongly view a ban or a fee versus
15 recycling as a major inconsistency with
16 the current administration's view on
17 domestic job creation. It will ultimately
18 yield a string of unintended consequences.

19 We encourage you all to visit
20 our website. Please forward any questions
21 that you have for us.

22 We also invite the Council to
23 come visit our plant in Milesburg,
24 Pennsylvania, in addition to our recycling
25 facility in North Vernon, Indiana.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Thank you
3 very much for your testimony.

4 Please identify yourself for the
5 record.

6 MR. FREIJI: My name is George
7 Freiji. I'm National Account Manager for
8 Hilex Poly. Again, as I said before, I
9 have 24 years' experience in producing,
10 recycling, and marketing plastic bags.

11 I want to talk just a little bit
12 and get a little technical on the options
13 that we have on the table before us --
14 basically, paper bags, reusable bags, and
15 compostable bags -- for one moment.

16 Producing plastic bags consumes
17 70 percent less energy than producing
18 paper bags. I know earlier they said a
19 paper bag is not an issue. Yes, it is,
20 because in places such as like San
21 Francisco, where they banned plastic bags,
22 the option now, the number-one option that
23 everybody is going to is paper, not
24 compostable bags. And we can talk about
25 that here in a little bit.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 This box here, how many bags do
3 you think I have in this box? There's
4 1,000 -- 1,000 -- plastic bags in this
5 box.

6 How much room do you think 1,000
7 paper bags will take out of this room
8 here. Quite a bit.

9 This box weighs 15 pounds. The
10 equivalent number of paper bags will weigh
11 140 pounds. For every truck of plastic
12 bags that you ship, to replace it with
13 paper, it's seven trucks.

14 Now, when we start talking like
15 this, we need to look at the entire supply
16 chain, the entire supply chain. That
17 means seven trucks are being loaded by
18 forklifts, by forklift drivers. Those
19 plants that are producing those trucks,
20 they're getting seven times more material,
21 and the chain goes on and on. Everything
22 is multiplied by seven.

23 And you have to look at this.
24 This is energy used, this is fuel. This
25 is -- you know, it doesn't fit very well

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 with our policy of not depending on
3 foreign oils.

4 Producing plastic bags requires
5 97 percent less water. Basically, we use
6 water like you use a radiator in your car,
7 for producing plastic, for keeping the
8 equipment cool.

9 If you look historically on
10 paper plants, they're by rivers or big
11 bodies of water -- lakes, ponds, so forth
12 and so on -- because they require a lot of
13 water usage. And, God forbid, either bags
14 end up in a landfill, which there is
15 absolutely no reason for that, paper bags
16 would require 80 percent more space to
17 store in a landfill.

18 And it's a myth that things
19 degrade in landfill because they don't.
20 Landfills are built in a way so things
21 don't degrade in them, so things don't get
22 into water or methane gas is produced.
23 When was the last time you and drove by a
24 landfill and you saw a big hole because
25 trash degraded? It's always a hill.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Let's talk for a moment about
3 compostable bags. What are compostable
4 bags? You mentioned earlier that they
5 have corn starch and potato starch and
6 that kind of stuff in 'em. That is
7 correct. They're regular plastic bags
8 with corn starch in them. And when you
9 add corn starch to plastic, it makes it
10 weaker.

11 So how do you maintain the
12 integrity? You make the bag twice as
13 thick -- minimum twice as thick, sometimes
14 three times as thick. So what do you end
15 up with? Plastic bags three times
16 thicker, three times heavier.
17 Transportation -- three times more.

18 For the compostable bags to be
19 approved as a biodegradable bag, if you
20 will, they have to pass a test ASTM D6400.
21 It was done in a specific site under a
22 controlled environment.

23 Compostable bags -- compostable
24 bags -- are not recommended for a home
25 compost setup. You can't take it in the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 backyard and compost it in your backyard.

3 It has to be shipped to a specific

4 location, and there aren't a lot of those

5 locations in the country. And there is

6 obviously transportation costs and

7 collection and so forth that goes with

8 that, that you cannot ignore.

9 On average, compostable bags

10 cost five times more. On average,

11 compostable bags cost five times more than

12 plastic bags. As I said, in San

13 Francisco, when they banned plastic bags,

14 there were very, very few compostable bags

15 used -- very, very few. The choice bag is

16 paper bag in San Francisco.

17 And most importantly -- most

18 importantly -- compostable bags are not

19 recyclable. I mean, there were statements

20 made before compostable recyclable; that's

21 not true. Compostable bags are not

22 recyclable. And not only that, but they

23 contaminate the recycling systems that we

24 have in place.

25 Shari mentioned earlier that we

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 as an industry recycled 830 million
3 pounds, close to a billion pounds, of
4 plastic. Now, why would anybody want to
5 take a bag, put corn in it, make it two or
6 three times heavier, and then make it
7 disappear, when you can recycle it and use
8 it over and over and over. I don't know
9 if that's a wise use of our resources.

10 It makes sense to recycle. It
11 uses the same material. You can use it
12 forever, you can use it forever.

13 What happens to plastic bags and
14 other plastic bag -- I mean and other
15 plastic products when we recycle 'em?
16 They end up in lawn furniture, if they
17 don't end up in bags. We take ours and
18 put 'em in bags. But in general, they end
19 up in lawn furniture, they end up in
20 plastic lumber, which is used for decks,
21 for piers, for beautiful white benches
22 that you see, for park benches.

23 All of the recycled plastic is
24 used. If you take that source away, we
25 have to go back to cutting trees to

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 provide the wood to make all of this
3 product.

4 What about reusable bags? It's
5 a myth to think -- most people think that
6 reusable bags are cloth bags. Reusable
7 bags, the majority of them, are made out
8 of plastic and made out of plastic that
9 you can't recycle, that you cannot
10 recycle.

11 And most reusable bags, almost
12 all of 'em, are made overseas, which again
13 means US jobs. Again, you got to ship 'em
14 all the way across the world to the United
15 States; that takes energy. And,
16 typically, they end up in New York or
17 California, then you got to truck 'em all
18 across the country.

19 And where are they made? In
20 countries typically that care less about
21 environmental laws, if they even exist.
22 You all remember the toys scare we had
23 last year and the paint and the ink we had
24 before that, and the list goes on and on
25 and on. So the more reusable bags are

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 made overseas, the more harm to the
3 environment most likely you are making.

4 Most plastic bags -- this was
5 mentioned earlier, I think you mentioned
6 that, Mr. Kenney. Most plastic bags in
7 the United States are not made out of oil;
8 they are made out of natural gas. Most
9 plastic bags overseas, including reusable
10 bags, are made out of oil.

11 And then the reusable bag cycle
12 is eventually going to end. They're not
13 recyclable, they're going to end up in
14 landfills. And, most likely, they will
15 take more space than paper bags will.

16 Not to mention, you take a bag
17 home. Who knows where it end up -- the
18 trunk of the car, then it comes back to
19 the store. It's dragged on the conveyor
20 belt that you're putting food on that
21 you're going to take home and eat.

22 Let me say this. I'll bet right
23 now if we surveyed this group, including
24 the folks who are holding signs, you will
25 find out that everybody that has grocery

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 bags or plastic bags have a secondary use
3 for it. It's either in a trash can at
4 home -- some of the senior citizens I
5 know, they use it as a primary trash can.
6 Some use it for your tissue cans and
7 things of that nature. Some put people's
8 kids' lunches in them. Some use 'em for
9 walking the dog.

10 I mean, there are a lot of uses
11 for plastic bags. It's a myth to say that
12 it's one-time use. That's not the case.
13 It gets used over and over many times. As
14 a matter of fact, statistics would say
15 that 60 percent of the bags are used over
16 and over again. If you eliminate those
17 bags, they're going to have to be replaced
18 with something.

19 Ireland was mentioned. When
20 they banned them in Ireland, garbage bag
21 sales shot up, which they're larger,
22 they're a lot thicker, and, in essence,
23 you end up consuming more plastic at the
24 end.

25 I stayed in a hotel. By the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 way, I live in Pennsylvania. I'm not -- I
3 don't run across the country to testify
4 for plastic bags, so this is my state. I
5 stayed in a hotel here two blocks. In the
6 hotel room, there were two trashcans.
7 Both trashcans had inserts in them -- I've
8 never seen this before -- for recycling,
9 just a little trashcan.

10 That's the kind of stuff that
11 makes sense. That's the kind of stuff
12 that we need to endorse and encourage and
13 teach.

14 And, by the way, I did not see
15 one plastic bag on the street, walking
16 here. I saw a pair of socks, but...

17 What's the point? The point is,
18 we really, truly believe that the answer
19 is reducing, reusing, and recycling, not
20 banning or fining them heavy, because in
21 theory -- in theory -- both bills are ban
22 bills.

23 Thank you.

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

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Anyone else to testify?

3 Please identify yourself for the
4 record.

5 MR. LILIAN: Good afternoon.

6 COUNCILMAN KENNEY: Good
7 afternoon.

8 MR. LILIAN: My name is Scott
9 Lilian. I am an extrusion manager in the
10 Milesburg facility for Hilex Poly.

11 I'm here representing the
12 approximately 600 family members that
13 would be impacted by this bill. These are
14 hardworking family members that are
15 Pennsylvania residents.

16 The truth of the matter is,
17 Philadelphia does not exist in a vacuum,
18 and there are implications that this would
19 have on these people.

20 As stated earlier, this is a --
21 a facility that employs 150 people. Over
22 the past 20 years, we've paid out over
23 \$140 million in wages that goes to these
24 employees and ultimately goes and supports
25 the economy; not to mention over

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 \$70 million over that time spent has been
3 provided to vendors and support people
4 that help keep the plant up and running.

5 In summary, Hilex has
6 contributed over \$225 million to the
7 economy of Pennsylvania. This would all
8 go away because we simply cannot
9 manufacture a reusable bag in its form.

10 I have brought with me three
11 employees of that facility, and they care
12 very much about the environment, so much
13 so that we did bring with us one of -- a
14 recycling bin that we do use to recycle
15 plastic bags and make more bags out of.

16 It is one of over 30,000 bins that are
17 across the country, and that number
18 continues to grow, aggressively trying to
19 recoup these plastic bags and make more
20 bags out of them.

21 The company is very, very
22 interested in recycling efforts, very
23 environmentally-conscious. I -- I echo
24 the sentiments that were made earlier that
25 we do need to retrain the brain. I do

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 think that it is possible to retrain us to
3 recycle.

4 Personally, I have not thrown a
5 plastic bag away for over five years. I'm
6 able to reuse them in many different ways.
7 And those that do not get reused I bring
8 to work with me, and we make more bags out
9 of 'em.

10 COUNCILMAN KENNEY: Do you have
11 an idea as to what percentage of your
12 sales is Philadelphia County?

13 MR. LILIAN: I don't
14 specifically.

15 Do you?

16 MR. RIZZO: Out of our whole
17 company, the Pennsylvania sales represent
18 somewhere in the neighborhood between 15
19 and 20 percent.

20 COUNCILMAN KENNEY: No, as far
21 as what is purchased by retailers and
22 other users in Philadelphia.

23 MR. FREIJI: I don't know
24 exactly.

25 MR. LILIAN: No, we don't have

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that information.

3 MR. RIZZO: We can name some of
4 the users, the end-users, that are in
5 Pennsylvania.

6 COUNCILMAN KENNEY: The question
7 is: I want to be able to determine based
8 on your testimony what impact on the
9 specific company Philadelphia legislation
10 would have as far as the potential
11 reduction in your orders for Philadelphia.

12 MR. FREIJI: Direct orders -- it
13 would have direct orders, but you're
14 setting a precedent also.

15 COUNCILMAN KENNEY: No, okay.
16 But I'm -- so, as I said before, with the
17 polystyrene discussion we had at the
18 beginning of the hearing, I'm not
19 insensitive, we're not insensitive, to the
20 employment issues relative to this. And
21 in an effort to understand it and what
22 extent it is, it would be interesting to
23 know what percentage of potential loss of
24 business a Philadelphia piece of
25 legislation would have on your company.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. RIZZO: Post-conference, we
3 can certainly supply that information.

4 COUNCILMAN KENNEY: Okay, thank
5 you.

6 Councilman DiCicco.

7 COUNCILMAN DiCICCO: Yeah, thank
8 you, Mr. Chairman.

9 I don't know if this panel or
10 somebody else could answer this question:
11 In addition to arranging or setting up
12 recycling programs and maybe educating
13 people more better, does any money from
14 the industry -- maybe it's the petroleum
15 industry or whoever -- go into cleaning up
16 the environment, that you know of, as it
17 relates to the plastic bag manufacturing
18 company?

19 MS. JACKSON: Yes. We are one
20 of the founding members of the national
21 Keep America Beautiful. We contribute
22 significant funding to be involved in
23 litter cleanup programs with them
24 throughout the country.

25 COUNCILMAN DiCICCO: Where I'm

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 going is, we talk about this plastic soup
3 out in the Pacific Ocean.

4 MS. JACKSON: Yeah, yeah.

5 COUNCILMAN DiCICCO: If a oil
6 company were to have an oil spill, they
7 would be fined significantly, and they
8 would be required to clean it up.

9 This industry -- not its
10 intention -- has caused, and is causing,
11 major environmental problems throughout
12 the world. Is there any money that is
13 going towards that effort to clean up the
14 damage that has been done to our water
15 ways and ocean?

16 MR. RIZZO: That's a great
17 question, and it should be probably posed
18 to petrochemical companies.

19 COUNCILMAN DiCICCO: That's why
20 I asked. I didn't know if anyone on this
21 panel could speak to this.

22 MR. RIZZO: Probably not suited
23 to the people of this panel.

24 COUNCILMAN DiCICCO: Okay.

25 MR. RIZZO: I mean, we're

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 converters. We effectively convert
3 material. We're not -- you know, we're
4 not a petro chemical company.

5 COUNCILMAN DiCICCO: I'm sorry.

6 Can you --

7 MR. RIZZO: We're a converting
8 company. We convert plastic --

9 COUNCILMAN DiCICCO: Yeah. I
10 didn't know if it was this panel. I just
11 wanted to get the question out there, and
12 I'm sure somebody may have an answer to
13 that.

14 Because ultimately, the
15 cleanup -- and let me just start by saying
16 this: For me, this is all about trash,
17 whether it's plastic trash, whether it's
18 paper trash or any other form of trash.
19 The trash in the City of Philadelphia and
20 elsewhere is not just about plastic bags,
21 I will readily admit that.

22 It seems that we see more of
23 that because it doesn't biodegrade. It
24 just is always there, it never seems to go
25 away.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MS. JACKSON: It's more visible.

3 COUNCILMAN DiCICCO: And so, the
4 gentleman there said he walked here from a
5 hotel a couple of blocks away and didn't
6 see any plastic bags. That's probably
7 because of the special services district
8 that is a nonprofit entity that cleans up
9 Center City, and that hotel's within those
10 boundaries.

11 But you get outside of Center
12 City, you can't walk without seeing bags.
13 In an hour-and-a-half last Saturday
14 afternoon, I picked up 12 plastic bags
15 literally between my house and the two
16 houses next door. We're rowhouses. I
17 left the house, went shopping, came back,
18 went someplace, came back, and I picked up
19 a plastic bag and I also picked up paper
20 mostly because of newspapers that have
21 been distributed haphazardly.

22 So there are other areas, which
23 I think we're eventually going to get into
24 when we talk about cleaning up our city
25 and making it more green. Just yesterday,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the Mayor announced that we have purchased
3 500 solar-powered recycling trash
4 compactors for the City of Philadelphia.
5 That costs money. We hope that that will
6 encourage more people -- it's a dual
7 system. There's one for soiled paper and
8 trash, and it's attached to another bin
9 that is for recyclable materials --
10 plastic cups, plastic bottles, what have
11 you.

12 So we're trying to not only keep
13 our streets litter-free but educate people
14 about the importance. And the hook on
15 that is how much less -- how much less
16 times that the Sanitation Department will
17 have to go and empty those solar-powered
18 trash compactors.

19 We, on average in Center City,
20 have to remove trash from the wire
21 trashcans containers 19 times a week. Our
22 hope is, by using the compactor, we will
23 only have to do that five times a week.
24 It's fuel, it's energy, it's a whole lot
25 of things that save the consumers money.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 So, you guys may be the first
3 guys who are on the hit list, for a better
4 way of talking about it, but it's trash.
5 And that's where I come from and we all
6 are coming from. And it's, again, because
7 primarily, it doesn't go away; we never
8 not get to see it unless you remove it
9 physically from your sidewalk and tree.

10 And people just aren't as
11 socially conscious generally about these
12 things that some of us are. And our
13 efforts start educating people as well.
14 And we're doing our part, I think, as a
15 city.

16 So I just wanted to get that out
17 there, that there are other issues related
18 to trash, and it's not just plastic bags.

19 MS. JACKSON: And you're right.
20 And we appreciate that. And that is one
21 of the reasons why we are supporting
22 financially the Keep Philadelphia
23 Beautiful, to help the local efforts here
24 to get at litter prevention and those
25 kinds of things you're talking about.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 So, I mean, it's a start, you
3 know.

4 COUNCILMAN DiCICCO: But --

5 MS. JACKSON: We know it's a big
6 issue, we know that we need to get at it,
7 but we're starting.

8 COUNCILMAN DiCICCO: Not to
9 sound --

10 MS. JACKSON: We don't have a
11 panacea now.

12 COUNCILMAN DiCICCO: Not to
13 sound insensitive or being out of --
14 mischaracterized as to what I'm about to
15 say. If we didn't have that problem in
16 the first place, we wouldn't have to be
17 spending money to do all of that stuff.

18 MS. JACKSON: And that's true,
19 but that involves people.

20 COUNCILMAN DiCICCO: And we need
21 other alternatives. That's what this is
22 about.

23 MS. JACKSON: And one of the
24 alternatives we're putting forth is
25 recycle-content bags. Again that is a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 more environmentally-friendly product,
3 one. And, two, we do work with
4 communities throughout the country to try
5 to get at these issues.

6 COUNCILMAN DiCICCO: And I think
7 if the industry had been paying a lot more
8 attention to what we tried to talk about,
9 as Councilman Kenney spoke about earlier,
10 over these past two years, we may have
11 been a lot further down that road to
12 finding some agree -- to reaching some
13 agreements.

14 But nothing has changed. And
15 some of the things, as Councilman Kenney
16 talked about, we backed off, despite
17 pressure from constituents to figure out a
18 way to come up with alternatives. No one
19 stepped up to the plate for two years.

20 MS. JACKSON: Well, as we
21 mentioned earlier, there is a lot of
22 recycling going on here from the stores,
23 from Penn Jersey. There are things that
24 are going on. These bags are being
25 recycled; they're not being littered. So

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 there are some things going on.

3 Yeah, it's a problem, litter is
4 a problem. We do need to do more to get
5 at it. But to say that nothing is being
6 done, that's just not completely accurate.

7 COUNCILMAN DiCICCO: Thank you,
8 Mr. Chairman.

9 COUNCILMAN KENNEY: Thank you
10 very much for your testimony.

11 MS. JACKSON: Thank you.

12 COUNCILMAN KENNEY: Ray Ehrlich,
13 Terry Coyne, Kim Francovitch, and Jim
14 O'Brien.

15 (Witnesses come forward.)

16 COUNCILMAN KENNEY: Good
17 afternoon. Thanks for waiting. Please
18 identify yourself for the record and
19 proceed.

20 MS. FRANCOVICH: Good afternoon.
21 My name is Kim Francovich. I represent
22 Solo Cup Company.

23 I want to thank the Council for
24 their patience and with the long testimony
25 and allowing us to speak on the issue.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 I'm here to discuss and talk about Bill
3 No. 090064 related to polystyrene.

4 You've got my written testimony;
5 I'm not going to go through it. What I am
6 going to speak to is two things that I've
7 heard over and over again here that I want
8 to address.

9 Number one. I can sense the
10 Council's frustration with the lack of
11 industry support or industry initiative
12 that they believe that they've experienced
13 here in Philadelphia. I'm going to speak
14 to things that Solo has been doing, and
15 the industry has been doing, with respect
16 to polystyrene and also other products.

17 Solo Cup is a US-based
18 manufacturer, and 90 percent of our
19 products are made in the US. We have 13
20 manufacturing plants throughout the United
21 States.

22 We are in all substrates --
23 paper and plastic. We are one of the
24 first companies that use recycled-content
25 paper in our products. We also have

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 recycled content PET in our products. We
3 offer compostable products, we offer
4 recyclable products.

5 And we are doing a number of
6 things with recycling efforts and litter
7 cleanup cross the communities in which we
8 live and work.

9 So what does it take -- you said
10 a number of times, Why don't we just
11 switch? Why don't you just switch to
12 biodegradables or compostables?

13 That takes a lot of capital
14 investment and infrastructure to switch.
15 You don't just change out a resin in a
16 tooling line or in a extrusion line and it
17 automatically works.

18 So all of us here in the
19 industry have been working on capital
20 investments in our plants and facilities.
21 That also requires time and energy to
22 bring in the expertise that you didn't
23 have in the company to learn about how to
24 use the materials in a different way.

25 With respect to end-of-life of

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 our products, PET is a product that we use
3 recycled content in. We use 20 percent
4 recycled content. It's from water bottles
5 and soda bottles. For our paper, we use
6 10 to 20 percent recycled content. On the
7 PET side, those are recyclable products.

8 Currently, right now,
9 unfortunately, across the United States,
10 those products are not accepted widely in
11 blue bins and in facilities. Each city
12 legislates it differently.

13 Here in the greater Philadelphia
14 area, you do not accept our products in
15 the blue bin for recycling. Currently,
16 only water and soda bottles are accepted.

17 We encourage the use of recycled
18 content, we use it in our products.

19 We have compostable products.
20 Those compostable products have nowhere to
21 go at the end of their life. They go
22 right into the landfill right next to the
23 polystyrene products that you're seeking
24 to ban. They don't biodegrade and they
25 don't decompose. If you go into a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 landfill 30 years from now, you're going
3 to find the compostable product right next
4 to the polystyrene product.

5 So that leads me to my second
6 issue, which is the reduction of waste in
7 your landfill and litter on the streets.
8 People are going to litter. It doesn't
9 matter what you substrate they use;
10 they're going to litter.

11 So where have we focused? We've
12 focused on trying to educate people and
13 get them to act responsibly with respect
14 to our products. We have been a long-type
15 supporter, our industry has, of litter
16 cleanup programs, investing and donating
17 recycling bins in communities to encourage
18 the recycling of our products.

19 I would encourage the Council to
20 -- well, I guess I would say we're not
21 very vocal about what we have been doing,
22 and that's something that we'll take back,
23 but we are doing things, and we are trying
24 to move in a way that will be more
25 considered environmentally-friendly. But

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 at the end of the day, if we don't have
3 the infrastructure, our products are going
4 to end up in the exact same place.

5 COUNCILMAN KENNEY: Councilman
6 Jones.

7 COUNCILMAN JONES: Thank you,
8 Mr. Chairman.

9 And I appreciate -- the best
10 part of this job is to hear different
11 views and sometimes opposing views to
12 learn from both sides on how to make
13 responsible decisions as a government.

14 A couple of questions. You were
15 mentioning the cost of conversion and the
16 time it takes in order for you to use
17 biodegradable materials. Could you
18 elaborate on that?

19 MS. FRANCOVICH: Sure. We look
20 at a variety -- we work with a variety of
21 different -- like I said, different
22 substrates.

23 Last year, we added a type of
24 line that allows us to use a different
25 type of material. I'm not going to reveal

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the amount of the cost because it's
3 competitive information, and my
4 competitors are sitting here.

5 But suffice it to say, it takes
6 a lot of time and money to come up with
7 the millions of dollars to reinvest and
8 retool. When you change out, let's say,
9 from a -- you don't just take a line and
10 take it from a polystyrene line to a
11 polyprope line. The material is handled
12 differently. It requires different
13 tooling. And so all of that takes time
14 and energy and money.

15 And so, when it seems like we're
16 not moving quick enough or we're not
17 changing, we are. We're facing our own
18 economic struggles in trying to produce
19 product that our customers will buy and
20 that meets their specification as well as
21 also to allow and change over in the new
22 equipment, so it --

23 COUNCILMAN JONES: With --

24 MS. FRANCOVICH: It's not a
25 "Okay, just do it tomorrow"; it's a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 long-term capital commitment by all of
3 these companies.

4 COUNCILMAN JONES: Without
5 divulging industry secrets, are you saying
6 that the materials that are biodegradable
7 will cost more generally than -- and how
8 much -- and who's done the analysis of
9 that in your industry to --

10 MR. COYNE: I can address that.
11 Generally, your biodegradable --

12 COUNCILMAN KENNEY: Could you
13 please identify yourself for the record.

14 MR. COYNE: I'm sorry, yes.
15 Terry Coyne, with Pactiv Corporation.

16 Generally what you see is that
17 the cost of the materials are two to three
18 times the cost of foam polystyrene; we use
19 that as a base.

20 And it's driven by two things.
21 One is, the foam polystyrene is made of 95
22 percent air and it's very lightweight, so
23 it usually weighs two to three times less.
24 And then top of (indiscernible), the
25 sustainable materials that are out there

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 are at a much higher price per pound than
3 what you're paying for your basic
4 polymers.

5 COUNCILMAN JONES: And the other
6 question I would have is: How long has
7 this kind of legislation been in
8 discussion since its inception so that
9 you've had a heads-up to kind of know that
10 this was coming? How long has this kind
11 of been out there?

12 COUNCILMAN KENNEY: Well, in
13 Philadelphia, it's been two years.

14 MS. FRANCOVICH: It's two years.

15 COUNCILMAN KENNEY: In other
16 jurisdictions, it's been longer. I'm sure
17 in California --

18 MS. FRANCOVICH: It's been four.
19 The reason why I know that is, I started
20 at Solo Cup Company when we first found
21 the first ban legislation out in
22 California. And so, I've been working on
23 these issues for four years.

24 COUNCILMAN JONES: So kind of,
25 sort of you realize that the consumers out

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 there are driving some of this as well,
3 that they are calling for a greener
4 environment. And so, four years to kind
5 of think about it, how much more time
6 would you need to --

7 MS. FRANCOVICH: It's not the
8 time to think about it. Just because you
9 have one customer or five customers that
10 say they're going to buy it, it doesn't
11 mean that they will buy it. We do
12 prototypes, we spend thousands and
13 thousands of dollars, showing these to our
14 customers, which are food-service
15 operators, many of the restaurants here,
16 to make sure that the product meets their
17 specifications.

18 Up until a couple of years ago,
19 with respect to bio-resins, it couldn't
20 withstand the heat, so you couldn't put
21 hot foods in 'em. So for restaurants that
22 want to serve hot food and get it to the
23 customer, that was a problem. For hot
24 cups, paper hot cups, they're lined with
25 polyethylene. It's only been very

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 recently that we've been able -- literally
3 within the last couple of years -- to do a
4 bio-based liner that would allow those
5 compostable cups to be compostable. But,
6 again, the compostable cups end up in the
7 landfill because the compostable
8 facilities don't exist.

9 So we're trying to make
10 products -- we're trying to make 'em in a
11 mower environmentally and conscious way.
12 But the end of life is not being
13 addressed. You can make 'em but that
14 doesn't mean you get the benefit of what
15 they were intended to do.

16 COUNCILMAN JONES: And then,
17 finally, you talked about trash bins and
18 how you're supporting recycling. Can you
19 quantify that?

20 MS. FRANCOVICH: We've donated,
21 through associations, NGOs. And we've put
22 hundreds of bins up and down the coast in
23 California as well as in beaches and in
24 national parks. We are working with
25 street fairs and other places to have

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 proper bins for collection of our
3 materials.

4 COUNCILMAN JONES: For example,
5 for Philadelphia and the region, how much
6 have you invested in recycling?

7 MS. FRANCOVICH: Very good.
8 We -- Solo personally has not donated bins
9 in Philadelphia.

10 COUNCILMAN JONES: Thank you.

11 COUNCILMAN KENNEY: Councilman
12 DiCicco.

13 COUNCILMAN DiCICCO: Thank you,
14 Mr. Chair.

15 I keep hearing from a number of
16 witnesses that there are no bio-
17 combustible facilities. Why is that?

18 MR. COYNE: Well, I'll address
19 that. This is Terry Coyne again, with
20 Pactiv.

21 A compost facility is no
22 different than anything else. It takes a
23 lot of investment and capital to do it and
24 assets and expertise.

25 You do have a number of compost

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 facilities around here, but they
3 specialize in organic waste, which is
4 basically your yard waste. Some may take
5 food, but to take containers and other
6 compostable products, they have to have
7 specialized facilities.

8 I think you're probably aware,
9 but in a compost, you have to have a
10 constant temperature of 120 to 130
11 degrees. You also have to have air piped
12 in, as well as it has to be churned off.
13 And so, these are multi-million-dollar
14 facilities, and it's not something that
15 easily can happen.

16 So this is something you'd have
17 to work with your waste haulers or private
18 industry, because many of them do operate
19 privately, to service your city.

20 COUNCILMAN DiCICCO: And I guess
21 that brings me to what my next question
22 was going to be, is that, if more products
23 were produced that were bio-combustible
24 materials, wouldn't that create an
25 industry that we would have more of those

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 facilities which, in turn, would create
3 jobs? Because a lot of this has to do
4 with job loss. And doesn't that make some
5 business sense?

6 And I'll just tie into that same
7 question, with Obama Administration and
8 what seems to be a much more aggressive
9 approach to global warming and recycling
10 and all those things, is there any
11 stimulus money that you're aware of? Has
12 anyone in the industry been lobbying
13 Washington for those kind of dollars?

14 MS. FRANCOVICH: First to your
15 first point on whether more bio-resins
16 will create more demand. Not necessarily.
17 At the end of the day, the consumer has to
18 actually want to use it, and it has to
19 perform. If it doesn't perform, it costs
20 more to transport it, to keep it at a
21 certain temperature so it doesn't melt in
22 the transporting process.

23 No. I mean, if it costs more
24 and it doesn't do what it's supposed to
25 do, then no, it's not going to increase.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 With respect to your stimulus
3 questions, we've been researching that.
4 We have not seen any substantial amounts
5 of money coming down that's geared toward
6 composting or recycling. We are lobbying
7 individually. That money is coming down
8 through the state to try and get some of
9 that with respect to a individual state.

10 But, again, because every state
11 and community legislates it differently,
12 trying to get a policy across the nation
13 that would actually support that type of
14 infrastructure is very daunting. It's
15 time-consuming, it's going to take time
16 and effort.

17 COUNCILMAN DiCICCO: Well,
18 nothing's easy.

19 MS. FRANCOVICH: No, I don't
20 disagree. It's not that we're not trying;
21 we are, but that doesn't happen in two to
22 four years.

23 COUNCILMAN DiCICCO: There are a
24 lot of representatives here who are being
25 paid to be here and do their job. So, I

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 mean, that's how it works. Sometimes
3 government doesn't work as quickly as we
4 would like it. We're very familiar with
5 that.

6 MS. FRANCOVICH: Well, an
7 industry doesn't work as quickly as you'd
8 like, so...

9 COUNCILMAN DiCICCO: And that's
10 where it should come together.

11 MS. FRANCOVICH: I agree.

12 COUNCILMAN DiCICCO: I mean,
13 this is a heightened issue, has been
14 around a lot of years, and it seems to be
15 even more heightened especially because of
16 our reliance on fuel.

17 One of the previous witnesses
18 mentioned about reusable bags will be
19 produced in China, which means jobs out of
20 this country, and then they'll have to
21 ship those bags by way of cargo ships,
22 which takes fuel.

23 Well, we're shipping in fuel
24 from the Middle East to produce a lot of
25 different things, and that's kind of going

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 to even itself out, I would think. But at
3 the end of the day, it may mean that we're
4 actually less reliant on foreign fuel.

5 So it's not -- it's trash, it's
6 a whole bunch of things that I look at
7 this in a global sense, not just in a very
8 minute, little way.

9 Thank you.

10 COUNCILMAN KENNEY: Thank you.

11 Please identify yourself for the
12 record. I'm sorry. Whoever is next,
13 please identify yourself for the record.

14 MR. COYNE: Yeah, I'm Terry
15 Coyne again, with the Pactiv Corporation.
16 I will attempt to be as little redundant
17 as possible.

18 I'm in charge of emerging
19 materials and sustainability for the
20 Pactiv Corporation. We're a \$3.5 billion
21 company, and we've been selling products
22 to Philadelphia for 40 years.

23 We manufacture a variety of
24 disposal products made from aluminum,
25 paper, and a variety of plastics, as well

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 as bio-materials like some of the things
3 that you have up on your desk there.

4 We make a different substrate.

5 We do not make resins or own paper mills
6 or aluminum mills. We're not tied to any
7 one material.

8 Again, we oppose the legislation
9 because it singles out one type of
10 material and doesn't offer some of the
11 other solutions that we're looking at or
12 have been talking about today.

13 We've looked at a variety of new
14 materials, as we've discussed here before,
15 and we even have them. We have things
16 made out of corn things, we have things
17 made out of the gas or wheat straw.

18 And what we're finding is, while
19 these products are compostable, they have
20 other limitations, as Kim mentioned
21 before, where functionality and cost are a
22 problem. They're limited in heat, or, in
23 the case of some of the products that sit
24 up there, they're not necessarily
25 soak-resistant; and, therefore, the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 consumer thinks that the product is
3 leaking on their car seat or in their
4 house or on their clothes.

5 And, finally, the other thing
6 about some of these materials is, again,
7 because against something like polystyrene
8 foam, which is 95 percent air, your weight
9 of the products is two to three times
10 more, which will include your
11 transportation costs as well as your
12 disposal costs at some point.

13 PLA again was touched on a lot
14 and, again, a lot of these other ones,
15 which, again, are corn-based. They melt
16 or start to deform; they don't
17 disintegrate at 106 degrees, so that plays
18 havoc when you're not only using the
19 product for hot applications but when
20 you're shipping it and warehousing it,
21 where temperatures can get up to a20 or
22 130 degrees in a truck in the summertime.
23 So, therefore, the product becomes useful.

24 We talked a little bit about
25 composting already; I won't go through

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 that again. But there are a variety of
3 composters in the area. But, again,
4 they're all organic waste suppliers and
5 users.

6 And, finally, what I'd like to
7 say is to the conventional paper product
8 -- again, it's been touched on -- is it's
9 polyethylene-coated. And if you take the
10 polyethylene coating off of there, then
11 you've got the same issues as far as leak
12 resistance, grease resistance, and the
13 liquids will transfer in your hands.

14 So as far as future packaging --
15 that's a lot of things that I work on
16 every day -- again, there aren't any
17 silver bullets. We're all working with
18 companies that are small in nature. We're
19 used to working with giant petrochemical
20 companies that have billions upon billions
21 of dollars.

22 The people that are coming out
23 with these materials are based in Asia.
24 Their supplies are limited because the
25 demand hasn't been there. We -- again,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 we've been offering some of these products
3 for over a couple of years. It still
4 makes up less than 1 percent of our sales.
5 The problem is, because of the costs --
6 it's not availability of the materials;
7 it's just, again because of the cost and
8 functionality, people can't afford it
9 basically or can't find themselves
10 uncompetitive.

11 The other thing is the
12 end-of-life issues, as we've talked about,
13 where, if you don't have a recycling or a
14 composting process, you're going to have a
15 problem with these materials. And that's
16 what's caused a lot of frustration in
17 California where there's a lot of these
18 bans, where they have switched to
19 compostable products but they're not
20 available to them in their areas. So
21 they're kind of wondering what they're
22 doing because this is going into the
23 garbage.

24 So, anyhow, one other thing is
25 that we've talked about a little bit about

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 litter here is that there's no scientific
3 proof that anything that goes and is
4 actually emerged in water actually
5 degrades.

6 And as an industry, we're
7 conducting a study because we actually
8 believe that if something leads to the
9 depth of the river, lake, or ocean, that
10 actually nothing happens because to make
11 something degrade requires heat and
12 usually requires air. And if you get to
13 the lower surfaces of, again, the lake or
14 river or ocean, you're close to 40
15 degrees, maybe even less than that, and
16 that could present a problem. So we'll
17 find more out on that and see where that
18 goes.

19 And then, lastly, just a fact.
20 I mean, we all talk about the dependency
21 on oil. Out of every barrel of oil that
22 we use in the US every day -- and a barrel
23 is 42 gallons -- only 1.8 ounces of that
24 barrel is going toward polystyrene foam
25 products, and that includes some of your

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 protective packaging used for computers
3 and TVs.

4 So, any questions?

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

7 Are there any questions?

8 (No questions.)

9 COUNCILMAN KENNEY: Seeing none,
10 please identify yourself for the record.

11 MR. ERLICH: My name is Ray
12 Erlich. I work for Dart Container
13 Corporation. I'm a manager of government
14 and environmental affairs for Dart, and I
15 appreciate the opportunity to speak today.
16 If you -- I don't know if anyone
17 remembers, but I spoke also two years ago,
18 when we testified on the same issue.

19 I just would like to point out
20 that, like my counterparts here, Dart is a
21 leading manufacturer of a broad range of
22 food-service items. We manufacture just
23 plastic items, polystyrene, polyethylene,
24 and polipropene.

25 We're also recognized as an

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 industry leader on the environmental side
3 of things. We've had a department
4 specifically charged with dealing with
5 environmental affairs for over 20 years.
6 The environmental issues are very much a
7 part of what we do.

8 Before I get into my comments, I
9 have four brief points.

10 I'd like to state that Dart does
11 oppose any policy or any ban on safe and
12 environmentally-sustainable products like
13 foam, polystyrene food-service containers.

14 And before I touch on my four
15 points, to continue your -- or to answer
16 your question, you know, Dart like, Pactiv
17 and Solo, are major companies. And if
18 there is a better mousetrap, we would make
19 it.

20 We're not in the business to --
21 we're not married to polystyrene. We're
22 in the business -- we're a for-profit
23 company. We're in the business to make
24 money. If there is a material or a
25 product that we can sell and be a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 successful business, we'll do it.

3 The fact of the matter is,
4 bio-based or bio-plastic containers do not
5 meet the three criteria that you need to
6 have a successful food-service product.

7 Number one, as was mentioned
8 before, to make and produce and sell,
9 they're more expensive.

10 Number two, they don't do the
11 job, they don't insulate as well, and they
12 don't perform as well as existing
13 products, polystyrene foam.

14 And, number three, I can tell
15 you from you our experience, our customers
16 don't want these materials. Yes, there
17 are individuals and groups and small
18 pockets of people that are very interested
19 in it; I think the idea is great. I think
20 bio or compostable materials is a great
21 idea.

22 However, because of the lack of
23 the infrastructure to compost these
24 materials, you're asking someone, in
25 essence, to pay more for a product that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 doesn't perform as well and is --

3 COUNCILMAN KENNEY: I just need
4 to interrupt you for a second 'cause
5 that's not what that bill asks you to do.
6 We're not asking anybody to pay any more.
7 We're saying that -- we're not asking --

8 (Indiscernible; parties talking
9 over each other.)

10 MR. ERLICH: Up to 10 percent.

11 COUNCILMAN KENNEY: We're not
12 asking anybody to pay any more.

13 MR. ERLICH: Up to 10 percent.

14 COUNCILMAN KENNEY: Yeah, but
15 it's not at any cost.

16 MR. ERLICH: I didn't -- okay.

17 COUNCILMAN KENNEY: Okay.

18 MR. ERLICH: I mean, you're
19 asking someone to pay 10 percent more for
20 a product that won't perform as well and
21 is going to end up in the landfill, next
22 to every other food-service product.

23 Dart -- and I'll finish on this
24 point. Dart has a database of over 100
25 companies and individuals that deal with

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 bio-based products. We have 12
3 non-disclosure agreements, partnerships,
4 that we deal with companies in
5 investigating these materials.

6 We have tested these materials,
7 we have done prototypes, we have done
8 everything you can imagine. We have a
9 group specifically dedicated to bio-based
10 materials.

11 The fact of the matter is, at
12 this time, as we sit today, because of the
13 lack of composting infrastructure and the
14 functionality reasons and the cost
15 reasons, they're not viable.

16 Five years from now, we may be
17 having a completely different discussion.
18 If the City of Philadelphia has a
19 composting infrastructure, I think we
20 would definitely have a completely
21 different discussion. But right now, we
22 oppose a ban on polystyrene foam.

23 My other quick points are,
24 contrary to some statements that were made
25 earlier, the fact of the matter is that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 bans do not reduce litter. We rely on
3 everything we do -- we try as much as
4 possible to rely on facts and data and
5 valid information rather than on opinions
6 and misinformation.

7 Of the 70 or so municipalities
8 in the United States that have enacted
9 polystyrene bans, only one has done a
10 quantitative, a scientific study to find
11 out if their ban actually achieved the
12 goals that it was purported to do. That's
13 1 out of 70, and that's San Francisco.

14 And as you heard earlier, I also included
15 in my written a components. San Francisco
16 found that it did exactly what we say: It
17 did not reduce litter; all it did was
18 change from polystyrene litter to paper
19 cup litter, okay? That's my first point.

20 Also, the City of Santa Barbara,
21 California City Council staff found that
22 through their research that it does not
23 reduce -- the bans do not reduce litter.
24 The City of Carmel, California, in the
25 report confirmed that the problem with

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 food packaging waste litter has not
3 improved since their ban went into effect.

4 And, lastly, the other piece of
5 evidence I'll offer is that the son of
6 Jacques Cousteau, who is the founder of
7 the California-based Oceans Future
8 Society, wrote an editorial in 2005
9 stating the same thing, and I quote:

10 "Bans don't work. If a community bans
11 Styrofoam or plastic carryout containers,
12 individuals and businesses will switch to
13 other disposal products and litter them."

14 My second point is that, if
15 passed -- switching gears. My second
16 point is that if passed, this particular
17 piece of legislation, while Philadelphia
18 in and of itself would not significantly
19 affect jobs, we have a plant in Lancaster
20 County, and about 15 percent of the
21 production of our plants comes directly --
22 our materials are sold directly in the
23 City.

24 Now, 15 percent does -- not may
25 be not seem like a lot, but Philadelphia

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 does not exist in a have a vacuum. These
3 issue are -- you know, you can set a
4 precedent. And these issues are what we
5 call "copycatted." If Philadelphia does
6 pass this legislation, then you're going
7 to see Wilmington, Delaware, and you're
8 going to see Baltimore, and you're going
9 to see Pittsburgh, and other cities say,
10 Well, if Philadelphia did it, we're going
11 to do it, regardless of whether we believe
12 it's right or wrong. And then our plant
13 in Lancaster, Pennsylvania, with 1700
14 people, is going to be in serious trouble.
15 And I want to thank the chairman,
16 Councilman Kenney, for being sensitive to
17 those issues.

18 And the last thing I'll on that
19 is, you mentioned you received letters? I
20 have copies of the letters from our
21 employees that I'd just like to enter into
22 the official record, okay?

23 The third point -- and I'll be
24 brief. I have two more points, that
25 polystyrene -- I always wonder why

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 polystyrene is picked on, so to speak. We
3 are no different than any other food-
4 service material. In fact, we're better
5 than most other food-service materials.
6 Our products are recyclable and they are
7 being recycled.

8 While I'm not saying in any
9 manner that we're as recyclable as
10 newsprint or glass bottles or aluminum
11 cans, but compare us -- make it relative
12 to the other materials, the paper cup or
13 the bio-based cup, the City of Los Angeles
14 accepts polystyrene foam in their curbside
15 blue-bin program, the City of Toronto
16 added polystyrene-foam food-service their
17 curbside program in December of 2008. So
18 our material is recyclable.

19 And while it's not -- like I
20 said, it's difficult due to its
21 lightweight and contamination with food
22 and beverage, it is recyclable. Whereas,
23 the alternative materials are not. So I'd
24 like to make that point. Dart has
25 recycling programs that we are willing to

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 work with municipalities and large
3 institutional customers to develop
4 recycling programs.

5 Now, I will say that we are not
6 waste management. We cannot implement a
7 recycling program for the City of
8 Philadelphia, but we can help with some
9 select programs, some drop-offs that maybe
10 would serve as some part of the City and
11 also some larger customers and
12 institutions.

13 And the last point I'll make has
14 to do with the health and safety of our
15 products. There were some speakers
16 earlier who gave you some misinformation
17 about how bad polystyrene is for human
18 health.

19 The fact of the matter is, their
20 statements are very -- are incorrect.
21 Polythene foam containers have been in use
22 for over 50 years. There has not been one
23 documented case of anyone being harmed
24 from using a polystyrene foam container in
25 those 50 years, not one, okay? This is

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 silly.

3 The FDA allows us to use these
4 materials in food service and has done for
5 50 years. And the reason that you'll find
6 styrene in human tissue is that it's a
7 natural-occurring chemical. It's in the
8 air we breathe, it's in strawberries and
9 chocolate and coffee and beef. That's the
10 reason you find styrene in your system.

11 So at just please we aware that
12 our products are not in any way
13 detrimental to health.

14 COUNCILMAN KENNEY: Councilman
15 Jones.

16 COUNCILMAN JONES: Thank you,
17 Mr. Chairman.

18 I just want to say for the
19 record that the members of this committee
20 are keenly aware of your particular
21 companies and particularly Pennsylvania-
22 based companies. We do not view
23 Philadelphia in a vacuum from our other
24 counties.

25 The Lancaster County is near and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 dear to my heart. I hope you hire some of
3 the fine industrialists produced from
4 Millersville University up there, which is
5 a fine institution that trains
6 industrialists. And so we're familiar
7 with the 1700 folks.

8 And I talked to members of this
9 committee who don't want to hurt your
10 business at all, but I'll ask the same
11 question I asked the young lady: How much
12 have you invested in Philadelphia's
13 recycling program? And haven't you been
14 made aware of this from sometime --

15 MR. ERLICH: Yes.

16 COUNCILMAN JONES: -- that this
17 could be coming?

18 MR. ERLICH: Yeah.

19 COUNCILMAN JONES: And weren't
20 you given opportunities to kind of
21 participate?

22 MR. ERLICH: Yes. We're very
23 aware. In fact, I did testify in 2007,
24 when this issue came up before. And at
25 that time, we were working with a

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 commercial recycler of polystyrene foam
3 food service. That recycler, while
4 primarily active on the West Coast, at
5 that time, had a pilot program in the New
6 York City schools.

7 Because of various reasons, that
8 recycler did not turn out to be viable.
9 So that essentially ended what we had
10 thought in 2007 was going to be our way to
11 work with Philadelphia to recycle.

12 Dart itself, as I said, we've
13 developed programs where we provide
14 equipment, we pick up material, and we
15 recycle polystyrene food service at
16 institutions and large customers in select
17 locations. And that's what we've come up
18 with since then, so we have not been
19 sitting idly by.

20 COUNCILMAN JONES: Okay. I just
21 want to say for the record that I don't
22 know how our chairman wants to deal with
23 this, but I think he's been very
24 patient --

25 MR. ERLICH: Mm-hmm.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN JONES: -- in trying
3 to encourage and incentivize recycling as
4 an option. And what his frustration is,
5 as we start to -- if the economy didn't
6 fall, we probably -- I don't know, they
7 may still would have been pushed this
8 legislation, but in particular, in light
9 of the fact that we're trying to balance
10 our budget, we're trying to find quarters
11 in couches and places, and we're at odds
12 about paper clips and how much we use.

13 MR. ERLICH: Mm-hmm.

14 COUNCILMAN JONES: When we start
15 to look at what it costs us tonnage-wise
16 to remove some of this material, it
17 becomes a little higher on our radar
18 screen, and that's what may be some of the
19 reasons why he is feeling this way.

20 MR. ERLICH: I understand and I
21 agree. And, like I said, if those
22 products on your table there didn't end up
23 in the same place as we sit today, as all
24 of the other food-service products, then I
25 would say yes, that's a great, you know,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 direction to go in.

3 But right now, they do. So why
4 penalize a product that's inexpensive,
5 that employs a lot of people in this area.
6 I'm just saying, don't look at polystyrene
7 as an example. We should be looked as
8 food service -- as all of the other
9 food-service products.

10 COUNCILMAN JONES: And we get
11 it. I mean, we get it.

12 But I want you to get is that
13 sometimes -- and I'm the freshman here,
14 these are my upper classmen, if you will.
15 And sometimes when people come and say,
16 We're going to participate in this, and
17 don't do this over here. Don't move this,
18 but we're going to do all of these
19 wonderful things, they think we have a
20 short memory.

21 But there's a stenographer
22 there.

23 MR. ERLICH: Oh, I know.

24 COUNCILMAN JONES: And they
25 memorialize all of these comments,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75
2 commitments, concerns. And every now and
3 then, we go back to that record to see
4 what people told this municipality by way
5 of their good-faith effort.

6 MR. ERLICH: Mm-hmm.

7 COUNCILMAN JONES: So I just
8 want to put a underline under that.

9 MR. ERLICH: I hear what you're
10 saying. And, again, I will close with
11 while our first attempt at helping
12 Philadelphia recycle polystyrene did not
13 pan out, we have switched directions. We
14 now have a new way of looking at things
15 and doing things.

16 And one thing I would like to
17 close with is that we'd like to offer
18 Dart's support and work with the City in
19 our limited way, where we can do it, to
20 help you recycle our products. And that
21 would take, obviously, not passing this
22 legislation and giving us an opportunity
23 to work more with the City.

24 COUNCILMAN JONES: Thank you,
25 Mr. Chair.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Okay. We're
3 just going to take a moment, just one
4 moment. We have some housekeeping issues
5 to deal with. You can testify as soon as
6 we're done with our housekeeping issues.

7 Councilwoman Reynolds-Brown was
8 gracious enough to leave her Empowerment
9 Seminar for Women, of course -- that goes
10 unsaid. And she came over. So we want to
11 thank her for doing that and we also just
12 want to kind of get some amendment work
13 done.

14 So we're going to recess --
15 we're going to temporarily recess the
16 public hearing and we're to go into a
17 public meeting.

18 MR. O'BRIEN: How long you going
19 to be?

20 COUNCILMAN KENNEY: Oh. What?

21 MR. O'BRIEN: How long are you
22 going to be?

23 COUNCILMAN KENNEY: When we're
24 finished --

25 MR. O'BRIEN: Okay.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Which will
3 be --

4 MR. O'BRIEN: Yeah, I got a son
5 getting son getting married tomorrow, and
6 I got a reception dinner tonight.

7 COUNCILMAN KENNEY: Okay.
8 Congratulations.

9 MR. O'BRIEN: Thank you.

10 COUNCILMAN KENNEY: Okay.
11 We're going into our public
12 meeting. We have a quorum with
13 Councilwoman Brown, Councilman DiCicco,
14 Councilman Jones and Chairman Kenney.

15 So I want to recognize
16 Councilman DiCicco for a motion to amend
17 Bill No. 090064.

18 COUNCILMAN DiCICCO: Thank you,
19 Mr. Chairman.

20 I move that the amendment to
21 Bill No. 090064 be approved.

22 (Motion duly seconded.)

23 COUNCILMAN KENNEY: It's been
24 moved and seconded.

25 All in favor, aye?

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 There are none opposed. Bill
3 No. 090064 will be amended accordingly,
4 and that bill will be held to the call of
5 the Chair.

6 Bill No. 090074 will be held to
7 the call of the Chair.

8 The Chair recognizes Councilman
9 DiCicco for a motion to amend Bill No.
10 090075.

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

13 I move that the amendment to
14 Bill No. 090075 be approved.

15 (Motion duly seconded.)

16 COUNCILMAN KENNEY: It's been
17 moved and seconded.

18 All in favor?

19 There are none opposed.

20 Bill No. 090075 will be amended
21 accordingly.

22 The Chair now recognizes
23 Councilman DiCicco for a motion on the
24 amended bill.

25 COUNCILMAN DiCICCO: Thank you,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 Mr. Chairman.

3 I move that Bill No. 090075, as
4 amended, be reported out of this committee
5 with a favorable recommendation and that
6 the rules of Council be suspended so as to
7 permit first reading at our next regular
8 session of City Council.

9 (Motion duly seconded.)

10 COUNCILMAN KENNEY: It's been
11 moved and seconded.

12 All in favor Bill No. 090075, as
13 amended, will be reported out of this
14 committee with a favorable recommendation,
15 and a request made for a rules suspension
16 and offered for first reading at our next
17 Council session.

18 * * *

19

20

21

22

23

24

25

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: We will now
3 recess the public meeting and reconvene
4 the public hearing.

5 Please identify yourself for the
6 record and proceed.

7 MR. O'BRIEN: What's that?

8 COUNCILMAN KENNEY: Please
9 identify yourself for the record and
10 proceed.

11 MR. O'BRIEN: Excuse me?

12 COUNCILMAN DiCICCO: Identify
13 yourself --

14 COUNCILMAN KENNEY: Please
15 identify yourself for the record and
16 proceed.

17 MR. O'BRIEN: Oh, I'm sorry.
18 Jim O'Brien. I'm with a company called
19 E.K. Lay. I'm a manufacture's
20 representative here in Philadelphia.

21 And it's a a little bit
22 different. I'm a local guy, I went to
23 local schools here in Philadelphia. My
24 business is here in Philadelphia. We have
25 an office up in Port Richmond. And it's

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 different.

3 I represent -- my company
4 represents about ten different companies
5 that are in the disposal business. And,
6 Mr. Kenney, I heard you say earlier, you
7 know, what's changed? Years ago, you
8 know, we didn't go out to eat. Our
9 parents made dinner, we ate home.

10 And in our business -- and I've
11 been doing it for 30 years -- people say
12 what's changed? Everything has changed.
13 When I got into the business, it was
14 paper, and then it became plastic, and
15 then there's all different types of
16 plastic.

17 And we're talking about here now
18 polystyrene, which is the number 6. And
19 polystyrene products, the finished
20 product, looks different. I think
21 everybody thinks polystyrene is the foam
22 packaging.

23 But it's also that cocktail
24 glass, you know, that hard-plastic glass.
25 It's also that soft plastic translucent

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 cup. So there's an awful lot of different
3 shapes that polystyrene package takes.

4 My notes here -- and I think
5 everybody cover it. You know, I look up
6 at the screen and I see the trash there.
7 That's not the manufacturers that we
8 represent, that's not what they're all
9 about.

10 And, Mr. Kenney, you mentioned,
11 you know, what have they done? What's
12 been going on?

13 I got a question on the
14 recycling: Have we done enough on
15 recycling? Is the City of Philadelphia
16 really into recycling?

17 COUNCILMAN KENNEY: Yes.

18 MR. O'BRIEN: Yes?

19 COUNCILMAN KENNEY: Yes.

20 MR. O'BRIEN: And how about
21 composting; are we moving forward with
22 composting --

23 COUNCILMAN KENNEY: Not to a
24 large --

25 MR. O'BRIEN: -- at those sites?

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN KENNEY: Not to large
3 degree at this moment.

4 MR. O'BRIEN: Okay. Our
5 manufacturers, the guys that we represent,
6 the companies that we represent. What
7 have they been doing? As I said, I
8 represent about ten different companies.
9 They've been doing a lot.

10 There's a company, GenPack that
11 makes polystyrene packaging. They make
12 foam-hinged containers, the bad guys, but
13 they've also introduced a product line
14 called Harvest, which is biodegradable and
15 compostable.

16 Now I'm a local guy. I got a
17 local company.

18 COUNCILMAN KENNEY: Where is the
19 company at?

20 MR. O'BRIEN: In Philadelphia.

21 COUNCILMAN KENNEY: Where's it
22 at?

23 MR. O'BRIEN: 3469 Belgrade
24 Street.

25 COUNCILMAN KENNEY: Okay.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. O'BRIEN: I'm a local guy, I
3 make local calls. My company goes from
4 Philly, Baltimore, Washington, down into
5 the State of Virginia. And that's one of
6 my products.

7 And a lot of people say, Ooh,
8 that's a good product. That product is a
9 dual-material product. You can't recycle
10 that because you can't separate the poly
11 from the paper.

12 COUNCILMAN KENNEY: Then it's --

13 MR. O'BRIEN: That goes into the
14 trash.

15 COUNCILMAN KENNEY: Then it's
16 mislabeled.

17 MR. O'BRIEN: Oh, it's Green
18 Restaurant-endorsed. That's for people
19 who have problems with plastic. That's
20 for people who have problems with plastic.

21 COUNCILMAN DiCICCO: Can I just
22 interrupt you for a second? It says "made
23 from recycled paperboard."

24 MR. O'BRIEN: Yes.

25 COUNCILMAN DiCICCO: Does that

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 mean you could only reuse it once as a
3 recycled product?

4 MR. O'BRIEN: A disposal product
5 is used once.

6 And going back to Mr. Kenney,
7 what you said --

8 COUNCILMAN KENNEY: Well, if I
9 had that in my house and had used it, I'd
10 put it in the recycling bin.

11 MR. O'BRIEN: You can't.

12 COUNCILMAN KENNEY: Why?

13 MR. O'BRIEN: That is trash.
14 That goes in the landfill. That's there
15 forever.

16 COUNCILMAN KENNEY: Why does it
17 have that symbol on it?

18 MR. O'BRIEN: Because the
19 environmentalists want three things: They
20 want to reduce, they want to recycle, and
21 they want to reuse.

22 COUNCILMAN KENNEY: Right.

23 MR. O'BRIEN: And if you give
24 them that, they're happy with you.

25 COUNCILMAN KENNEY: So if you

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 put that stamp on there, they're happy.

3 MR. O'BRIEN: The Green

4 Restaurant Association is happy.

5 COUNCILMAN KENNEY: All right.

6 MR. O'BRIEN: The Steven Starr

7 group is happy. They wanted something

8 different, they wanted something

9 different.

10 COUNCILMAN KENNEY: All right.

11 MR. O'BRIEN: And I think, you

12 know, in listening to everybody, and I

13 listened to you folks, and I see a lot of

14 confusion.

15 What is polystyrene? What -- as

16 I said, it comes in a lot of different

17 shapes. I'm a local business guy.

18 COUNCILMAN KENNEY: Mm-hmm.

19 MR. O'BRIEN: I came down here,

20 I got a suit on, but I came down here on

21 my own dime because I'm interested in my

22 industry, my business, and my city.

23 When I see the trash -- 3469

24 Belgrade, go up there.

25 COUNCILMAN KENNEY: We've been

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 there.

3 MR. O'BRIEN: It's terrible. I
4 know you've been up there. It's terrible
5 to see the trash that's up there. But
6 that's not what our manufacturers are all
7 about, they're not about that.

8 That guy over there, that's a
9 company called (indiscernible), that
10 greenware cup. They're private guys, they
11 did that on their own dime. That's a
12 compostable biodegradable cup that you can
13 compost.

14 I watched the Eagles last year
15 when they were touting that, saying they
16 were recycled. You can't recycle that
17 cup. That has to go only in a compost
18 site.

19 I make calls to people in
20 Philadelphia, and they say, Is it
21 compostable? I say, Do you have a compost
22 site? No. Well, it's compostable, but
23 you have to have a compost site.

24 Now, what I've taken from you
25 folks is that you're looking for more

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 support from the manufacturing community
3 on recycling and composting, and I'll
4 bring that back. And if they haven't been
5 doing that, they should be doing that, but
6 they've been doing an awful lot, they
7 really have been.

8 COUNCILMAN KENNEY: Well,
9 they're very quiet about it 'cause they
10 don't tell anybody what they're doing.
11 And we had --

12 MR. O'BRIEN: Well, they're --

13 COUNCILMAN KENNEY: Let me
14 finish.

15 We had a whole set of hearings
16 two years ago. I sat in an un -- in many
17 meetings, more than I ever wanted to, in
18 my own office and here, and was given vast
19 assurances that we were going to have
20 contact and progress. And it's two years
21 later, and we don't.

22 Now, I'm willing to listen
23 again, as I said, or I would have moved
24 that bill out of committee today. I held
25 it out of respect for the people who work

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 in the industry and the employees and
3 other places in the State that produce it.

4 However, I mean, how long do I
5 have to hold my breath?

6 MR. O'BRIEN: I agree with you.
7 I came here earlier this morning and see
8 you guys just sitting there all day. I
9 give you a lot of credit, and you got more
10 patience than I would have.

11 I'll take that back to the folks
12 that we represent. And I think, you know,
13 these guys are looking for somebody --
14 what -- how did the meeting go? They're
15 looking for somebody to help 'em. They're
16 throwing a lot of money around in research
17 and development on these products.

18 That company there, Fabric
19 (indiscernible), they're a styrene guy,
20 but they came up with that greenware cup.
21 I never thought it would fly. It's been
22 very successful.

23 We represent International
24 Paper. They came up with a ecotainer,
25 which is paper with a PLA insert. That's

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 a good one. That's biodegradable and
3 compostable.

4 I make calls on people, for
5 instance, up at Penn State. The first
6 call up there, they wanted to do
7 composting. They had no clue. You go
8 back about a year later. The kids wanted
9 them to do it. But they had to set the
10 infrastructure up themselves with the
11 trashcans trash. A year later, I came
12 back, and they had their own trash
13 haulers.

14 So it's a difficult task for
15 these guys, but it's the way to go.

16 These manufacturers by and
17 large, you know, I saw them, I watched
18 them, I heard them talk today. You know,
19 they got a lot at stake, and they're
20 throwing a lot of their own money into the
21 product.

22 We represent a company called
23 GenPack who started plastics. Again, that
24 goes back into the 1980s. They were the
25 only guys doing it, the only guys doing

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 it. I was selling a foam hot dog
3 container to Wawa; they threw me out and
4 they went with that product there. They
5 went with the worst product. There's
6 nothing you can do with that except put it
7 in a landfill. At least at that time, we
8 were taking that hotdog container, and
9 plastics again was trying to recycle it.
10 They're making park benches, et cetera.

11 So, you know, polystyrene in
12 conclusion. And thanks. Appreciate it.

13 COUNCILMAN KENNEY: You're
14 welcome.

15 MR. O'BRIEN: Polystyrene,
16 there's nothing wrong with the product.
17 It's cheap, it's cheap, it works.

18 When McDonald's threw 'em out a
19 a couple of years ago, they had all kinds
20 of problems with waste of their food.
21 They couldn't keep the temperatures
22 correct. They were throwing food out.

23 In my notes, it talks about the
24 operators and how they're wasting money
25 because, you know, they have to move off

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 of this product and that.

3 I broke down your school bid,
4 the City of Philadelphia school bid.
5 Every year, 13,000 cases, 13,000 cases of
6 those school trays, those 105s, that's
7 6,500,000 school trays. By using
8 polystyrene -- and these are hard facts.
9 By using polystyrene, you save close to
10 \$300,000, and that's one item on that bid.

11 Now, you wasn't switch that out
12 because it's out of your budget, but
13 that's not your answer either.

14 We have to really work together.
15 Banning is not the way to go. It's
16 managing the material, it's recycling.

17 And what I take from this
18 meeting is that you do need some support
19 from these manufacturers. And if they're
20 going to make a go of it in Philadelphia,
21 in this area, they're going to have to
22 support you.

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

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 MR. O'BRIEN: Thank you very
3 much.

4 COUNCILMAN KENNEY: The final
5 panel is John Manning, Peter Blackett, and
6 Mike Levy.

7 (Witnesses come forward.)

8 MR. MANNING: Good afternoon.

9 COUNCILMAN KENNEY: Good
10 afternoon. Please identify yourself for
11 the record.

12 MR. MANNING: Yes. My name is
13 Jack Manning. I'm a plant manager at Nova
14 Chemicals, Beaver Valley site, located in
15 Potter Township; that's in Beaver County,
16 Pennsylvania.

17 Having been born and raised in
18 the Philadelphia area, my passion for the
19 City and the impact on my life is
20 profound. My father worked for over 30
21 years at one of the refineries along the
22 Delaware River. My father-in-law worked
23 right downtown, very close to here, at a
24 printing and lithograph company for 40
25 years, until it went out of business. And

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 my sister went to nursing school here and
3 worked at Presbyterian Hospital in the
4 City.

5 I have chosen to work in the
6 chemical and plastics industry for the
7 last 36 years, starting my career across
8 the river, in South Jersey. It's an
9 industry that I'm extremely proud to be a
10 part of, not only because of the positive
11 economic health and lifestyle benefits of
12 our products, but because of the thousands
13 of dedicated and talented coworkers that
14 I've been privileged to work beside over
15 these many years. They're very
16 hardworking and socially-conscious people.
17 We are your friends and your neighbors and
18 I'm very grateful to be given this
19 opportunity to speak on their behalf.

20 Our Beaver Valley plant
21 currently employs about 275 people, of
22 which about 170 are members of the United
23 Steel Workers Local 1074. They have also
24 sent a letter signed by Director John
25 DeFazio of USW District 10 opposing the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 City Council Bill No. 090064.

3 We collectively stand in
4 opposition to this bill because, among the
5 products our Beaver Valley plant produces
6 is expandable polystyrene. This product
7 is converted into foam cups and containers
8 that are sold in the City of Philadelphia.
9 This legislation will have a significantly
10 negative impact on our business and on our
11 employees.

12 The current slowdown due to
13 global economic crisis has already had a
14 profound impact on our manufacturing
15 industry and employees and their families.
16 For the first time in a 65-year history of
17 the Beaver Valley plant, we had to endure
18 a shutdown of all of our product lines and
19 temporarily laid off over half of our
20 employees for three months at the
21 beginning of the year.

22 We are continuing to encounter
23 multiple challenges as we try to recover,
24 especially with our customers in the
25 automotive and durable-goods industries,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 where sales are at historic lows.

3 The average age of our union
4 employees is 50 average, their length of
5 service is 17 years, with almost a quarter
6 of them having dedicated over 25 years or
7 more of working at our plant. They are
8 exceptional workers and people who are
9 striving to retire with the dignity and
10 respect they have earned, but they are
11 working under the constant stress of
12 whether they will be able to continue to
13 provide for their families, send their
14 children off to college, and keep their
15 health care, or join the growing ranks of
16 the unemployed.

17 Unfortunately, bills or bans
18 like the one proposed will ultimately
19 result in a further loss of sales and
20 revenues of our expandable polystyrene
21 product line and would then have the
22 potentially dramatic effect on our ability
23 to preserve these excellent jobs in the
24 future.

25 The erosion of manufacturing and

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 the decline of the middle class in the
3 state is an alarming and disturbing trend.

4 The impact on the local economy is
5 significant, especially with statewide
6 government revenues already running at a
7 deficit. Nova Chemical's state payroll
8 taxes alone are over \$2.2 million a year,
9 and our Pennsylvania-based employees have
10 contributed tens of thousands of dollars
11 to local charitable organizations, not to
12 mention the volunteer time and effort
13 given by our employees and their families.

14 For example, a few years ago, my
15 wife joined two of her college friends and
16 started a grassroots anti-litter
17 organization called Project Greensweep.
18 With some help from PennDOT, their effort
19 have evolved into mobile cleanups along
20 major roads and intersections in 11
21 different municipalities in our county.

22 In addition, they speak to
23 elementary schools to re-instill in
24 children Project Greensweep's slogan:
25 It's never been okay to litter.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 I assure you, my wife and her
3 friends didn't start this effort because I
4 work in a chemical industry. They did so
5 because we all take pride in our
6 communities and neighborhoods. And we
7 understand that all forms of littering are
8 unacceptable, including the 33 bags of
9 trash and 5 tires that were picked up in
10 my home township last Saturday.

11 Based on our experience, it is
12 my personal belief that switching to
13 compostable or biodegradable forms of food
14 packaging will not discourage littering
15 but will only serve to further encourage
16 the practice by those who already litter,
17 and they will think that it is acceptable
18 to litter because it will eventually
19 degrade over time. Having stuff sit
20 around for weeks at a time, degrading,
21 still doesn't clean up the litter issue.

22 Bans or taxes that single out a
23 specific product have never worked
24 effectively and usually result in negative
25 ramifications that eventually offset the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 (indiscernible) that was intended.

3 My employees and I support
4 Governor Rendell's, Mayor Nutter's, and
5 City Council's efforts for a more
6 sustainable, greener environment, one that
7 is not only litter-free, but one that has
8 a strong emphasis and focus and energy
9 conservation, fuel efficiency, reducing
10 environmental hazards and waste, and
11 creates new manufacturing opportunities.

12 But most importantly, it needs
13 to be one that continues to provide
14 sustainable incomes and jobs for the
15 long-term prosperity and well-being of all
16 of our citizens. We believe this is as
17 much an economic and poverty issue as it
18 is an environmental issue.

19 And that is why we also believe
20 we are a part of the solution, not a part
21 of the problem. We believe the facts and
22 data will continue to support our case, as
23 stated by other previously.

24 For the sake of our employees,
25 our families, and consumers everywhere, I

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 urge you to take a more pragmatic look and
3 approach to the problem. Make sure you
4 consider the economic and emotional impact
5 of our decision as it has on people across
6 the region.

7 I truly appreciate the fact that
8 you're not bringing this forward. I
9 appreciate your interest and concern on
10 that, and I also appreciate Councilman
11 DiCicco.

12 One of my wife's favorite
13 sayings is from Gandhi, that you must
14 become what you want to change. And it's
15 apparent that your practice of recycling
16 has been taken to the point that it's a
17 great model for a lot of people. So I
18 appreciate that as well.

19 COUNCILMAN KENNEY: And we
20 appreciate your patience in waiting and
21 your testimony and also make a comment to
22 work with you to try to get to where we
23 want to be.

24 MR. MANNING: Thanks.

25 COUNCILMAN KENNEY: Please

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 identify yourself for the record, sir.

3 MR. LEVY: Sure. Thank you.

4 I'm Mike Levy, with the Plastics
5 Foodservice Packaging Group, and I
6 represent a lot of these last two panel
7 folks. Again, I do appreciate you hanging
8 in there with us, and I'm going to try to
9 not repeat in any way everything you've
10 heard, facts and figures, everything else,
11 but really to address a lot of the issues
12 that I think are front and center on what
13 we've been doing, what we're going to do
14 going ahead, the appreciation of holding
15 the bill.

16 But I want to try to put this in
17 perspective. You and I grew up in the
18 same generation. I'm kind of looking at
19 this, and you mentioned things were
20 simpler. And it's true. You know, we're
21 in the generation that you were home at
22 5:00 for supper, and dinner was on the
23 table, and there wasn't a lot of fast-food
24 restaurants, and we didn't go out.

25 And if you think about it, you

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 turn ahead 50 years like that, and where
3 we are today is, not only are the issues
4 more complex, but society has really
5 changed everything. The fact that we have
6 polystyrene and paperboard and compostable
7 packaging is really a reflection of what's
8 happening in society. You know,
9 two-family incomes, home replacement
10 meals, eating out a lot more, quick-
11 service restaurants, quick, casual
12 restaurants; it's just generated a lot of
13 different packaging.

14 But the kind of packaging that's
15 out there -- not just polystyrene foam,
16 but a lot of plastics -- is there for a
17 reason: It's sanitation. My grandmother
18 ran a meat market in Brooklyn, and as a
19 kid, I remember all of the meat that was
20 wrapped up with the paper and the
21 drippiness and we'd put the sawdust on the
22 floor and everything else. The Health
23 Department would shut you down today.

24 The fact that you've got
25 polystyrene and things like that in the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 meat trays and the way they're wrapped, a
3 lot of that is driven by sanitation. So I
4 think it's important, as we look at the
5 environmental aspects, that we keep that
6 in mind.

7 But here's where I really want
8 to go. And, again, I thank you for your
9 patience, but when I said things are more
10 complex, you made the comment about with
11 the Obama Administration, yow know, and
12 what about global warming and what about
13 energy. Well, that's exactly -- I wish
14 the kids were still here. That's our
15 challenges today.

16 What old-timers like myself are
17 learning is that when you start looking at
18 all of these impacts -- you know, it takes
19 raw materials to make anything, and I
20 don't care if it's the things on your
21 table or polystyrene or whatever. You're
22 going to use energy, you're going to
23 generate air pollution, water pollution,
24 solid waste. Every one of those has an
25 impact.

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 And I know the simple solution
3 is just make it degradable and make it go
4 away. We've learned, like everyone else,
5 that everything's a trade-off and there's
6 a lot of different things. If I told you
7 right now that instead of the food-service
8 product that we're using today, we're
9 going to go to this new one and it's going
10 to greenhouse gases significantly and
11 increase energy and increase the amount of
12 waste, 'cause it will be heavier, you're
13 probably going to say, Well, wait a
14 minute, you know, what about that? And
15 that's exactly where we are.

16 So I'm not here to say, Gee, you
17 ought to be banning everything else and
18 promote polystyrene. What I am here to
19 say is, the reason it's probably taken a
20 couple of years for us to kind of get to
21 this point is to bring everybody else to
22 learn the information that we have first
23 and then to start looking at things like,
24 okay, how can we recycle more?

25 As some of the speakers in the

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 last panel said, two years ago, we left
3 this building, we identified the people
4 locally, we identified KPB, we went out
5 and funded them to do some litter work
6 that they're doing now.

7 But on the recycling side, we
8 also had set up with that recycler to do a
9 charter school university. No other
10 material is doing that in food service;
11 none of these guys are doing that, none of
12 paper.

13 As the market fell apart, that's
14 put on hold. You heard Dart Container say
15 they're going to make a commitment to beef
16 that up. We fully recognize that we can
17 do that.

18 But I think, again, the
19 challenge here is that even if we recycle
20 polystyrene foam, the fact right now that
21 that's a pretty sustainable product, and I
22 would guess that five years from now
23 talking about greenhouse gas legislation
24 and how we're going to reduce the
25 footprint, and you're going to be looking

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 at these products in a very different way.

3 So I want to leave you with that
4 we do want to work with you. I also want
5 to leave you that we would encourage
6 you -- we just gave \$10,000 over the last
7 couple of months, six months, to Phoebe
8 Coles in a detailed program to address all
9 litter. None of the other materials has
10 stepped up to do that. We would encourage
11 you to do that to get real litter
12 reduction. I think you saw her testimony
13 saying, Here's where it's really worked.
14 It's a partnership.

15 And I think that Big Belly
16 Program that you did is a real step in the
17 right direction -- not just for recycling,
18 but the fact that you've got now these
19 containers that have a cover on them, and
20 that's going to go a long way to reduce
21 the amount of litter. And that's all a
22 part of the education.

23 So I'll finally leave with you a
24 thing that Pennsylvania has one of the
25 highest recycling rates. And when you

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 started that, you really pushed it forward
3 with education. And I think the reason
4 that we're opposing these bans on
5 polystyrene and bags and taxes is, that's
6 kind of where we would like to see it go
7 again.

8 So, again, we pledge to work
9 with you. And I appreciate it.

10 COUNCILMAN DiCICCO: Thank you.

11 Councilman Kenney had to take a
12 personal break. He'll be back shortly.

13 Anything else you wanted to add,
14 sir?

15 MR. MANNING: I just wanted to
16 add one more thing. I'm a manufacturing
17 guy and make things; that's what I've done
18 for 35 years.

19 And when I hear statements about
20 industry needs to adapt or people need to
21 realize their jobs are going away and they
22 can get another job, doing something else,
23 that's really easy to say, but if you're
24 someone who's in their mid-50s and they've
25 work 35 years at a particular plant,

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 making a good product, it's not exactly
3 something you want to hear any more than
4 the auto guys want to hear, Well, we'll
5 just convert over to something else, and
6 you'll find another job someplace else.

7 So I just wanted to kind of add
8 that statement.

9 COUNCILMAN DiCICCO: I
10 understand and I respect that.

11 I was a businessman myself -- in
12 the restaurant business, of all things --
13 and I understand the challenges. I don't
14 think there's any of us who don't
15 understand those challenges.

16 But you got to begin somewhere.
17 And, you know, we tried two years ago to
18 get this conversation going. As
19 Councilman Kenney said, we had numerous
20 meetings outside of these chambers, in our
21 offices, and it really -- unless somebody
22 can show me different, the ball never
23 advanced from then.

24 So the frustration builds up, we
25 got trash problems. As Councilman Jones

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 said, we're trying to figure out some ways
3 in which we can get a budget done here and
4 reduce our costs across the board. Trash
5 is a big chunk of our budget. And
6 recycling and other things like that may
7 help us get our numbers down.

8 And I understand what you're
9 saying, sir. I mean, for every action,
10 there's a reaction. Everything that we do
11 --

12 MR. LEVY: I think with what
13 we're doing with KPB, it should be a
14 signal that that's going to help an awful
15 lot on the litter side, and it's going to
16 help you on the waste reduction, so --

17 COUNCILMAN DiCICCO: We
18 recognize that, and as Councilman --
19 that's why he's holding up the bills. And
20 we have some time to work this out.

21 Thank you. Thank you all for
22 coming in.

23 Is there anybody else who wishes
24 to testify?

25 (No response.)

1 5/1/09 - ENVIRONMENT - BILLS 090064, 74, 75

2 COUNCILMAN DiCICCO: Seeing

3 none, this concludes the public meeting on
4 the Environmental Committee. Thank you
5 all for your patience and for coming out
6 on a Friday. We appreciate it.

7 (Proceedings end at 2:57 p.m.)

8 * * *

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings of the City of Philadelphia Council Committee on the Environment are contained fully and accurately in the stenographic notes taken by me on Friday, May 1, 2009, and that this is a true and correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)