



FOODSERVICE PACKAGING
INSTITUTE®

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Senate Committee on Energy and Environment
Oregon State Capitol
900 Court St. NE
Salem Oregon 97301

February 16, 2023

Written Comments: Opposition to Senate Bill 543, -1 Amendments

Dear Chair Sollman, Vice Chair Findley and Members of the Senate Committee on Energy and Environment,

Thank you for the opportunity to share our comments and opposition to Senate Bill 543 – *Prohibits food vendor from using polystyrene foam container in sales of prepared food*, -1 amendments (SB 543-1), for your consideration.

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

The foodservice packaging industry is committed to reducing the impact of its products on the environment and is dedicated to increasing their recovery. FPI has several special interest groups that bring together the supply chain to develop and promote economically viable and sustainable recovery solutions for foodservice packaging. These special interest groups include the Paper Recovery Alliance, Plastic Recovery Group, Paper Cup Alliance and Foam Recycling Coalition. More information on these groups and their efforts can be found [here](#).

We appreciate a number of the -1 amendments for SB 543, however, we continue to have concerns with the bill. Our primary concerns and recommendations, as follows.

FPI supports policies and programs that result in more recycling and/or composting of foodservice packaging but oppose restrictions that limit the use of any foodservice packaging. We believe that each foodservice package must compete in the marketplace based on its own merits of product performance and suitability, price competitiveness and, of course, impact on the environment. Restaurants and other foodservice establishments are in the best position to determine the most effective packaging that suits their business model. As such, we recommend that the ban on foam polystyrene foodware containers be removed from SB 543-1.

With respect to the amendments adding the establishment of a “Task Force on Foodware Container Alternatives”, it is crucial that the composition of membership and criteria for evaluation ensure a level playing field for all foodservice packaging materials.

Regarding task force membership, it is critical that no competitive advantage is gained through membership. In the case of the “member representing foodware manufacturers”, the representative will need to be one that reflects all foodservice packaging materials, including foam polystyrene. Alternatively, more representatives of “foodware manufacturers” would be needed to ensure proper representation of all packaging material types.

Further, there is a need for detailed evaluation criteria to ensure that all foodware containers, including foam polystyrene, are evaluated based on established principles. Such principles may include performance, availability, specific environmental impacts and costs.

It is also important to recognize that in 2021, Oregon passed the Plastic Pollution and Recycling Modernization Act (SB 582) which requires producers of food serviceware, and other covered materials, to share responsibility for the end-of-life management of their packaging. As per the [Department of Environmental Quality’s communications](#), key benefits of this Act include incentivizing producers to use more recyclable packaging, preventing plastic pollution and increasing access to recycling.

It is our view that SB 543-1 should be further amended and limited to a study bill concerning foodware options in Oregon, inclusive of full representation of “foodware manufacturers” on the task force and detailed criteria for evaluating alternatives to ensure a level playing field for all materials and manufacturers.

FPI appreciates your consideration of our comments and recommendations concerning SB 543-1. We would be pleased to discuss these comments with you.

Sincerely,



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