



4 April 2023

Representative Pam Marsh
Chair, House Committee on Climate, Energy and the Environment

Re: SB 545 (Support)

Chair Marsh and Honorable Members of the House Committee on Climate Energy and Environment

Rule allowing for Reusable Containers at Retail Food Establishments

Surfrider Foundation is writing to offer our strong support for SB 545, a bill to remove barriers for reuse and reusable containers in Oregon's retail and restaurant health code. Surfrider is a grassroots, non-profit environmental organization dedicated to the protection and enjoyment of our world's ocean, waves and beaches. We operate through a powerful activist and chapter network in the state of Oregon with thousands of supporters engaged in our programs, outreach, environmental stewardship and activism. Reducing single-use waste and promoting strong reusable consumer habits and policy is a significant piece of our plastic pollution initiative. As such, enabling health code to expand reuse practices for businesses and consumers alike is an important step in realizing this mission and we urge your support for SB 545.

Oregon's health codes and associated rules have not in the past allowed for customers to bring, or businesses to provide, reusable containers for refilling, shopping in bulk, buying produce, or bringing home take-out food. The current code is unnecessarily prohibitive and is inconsistently enforced, creating cultural and business confusion about what is and isn't allowed. Many Oregonians use reusable containers for multiple reasons from financial and food accessibility to health and environmental reasons like the reduction of packaging and waste. Similarly, many businesses such as small grocers and cooperatives should have the freedom of developing their own systems for reuse and what they allow or don't allow. Arguably, many businesses and consumers have been operating under this premise for decades.

Both the Oregon Department of Agriculture (retail) and Oregon Health Authority (restaurant) play a role in managing and enforcing health codes and associated rules. Surfrider has had the opportunity to work closely with many small retailers and businesses that have been requesting this rule change for nearly 3 years. We first brought this to the Oregon Department of Agriculture's Food Safety Advisory Committee in late 2021 and have continued to engage both within the agency's small stakeholder process but also more broadly through listening sessions with legislators and small businesses. As such, we've spent extensive time understanding both the challenges and pitfalls with operating a business under certain retail food safety constraints. Equally, we've spent significant time understanding the challenges of implementing sanitary food and public safety rules. The key with any reuse system is identifying and eliminating a limited number of opportunities for cross-contamination and ensure food safety. Earlier this month, all that stakeholder collaboration and engagement paid off when Oregon Department of Agriculture published an updated code and associated rule which meets the recommendations in SB 545.

Surfrider thanks and congratulates Oregon Department of Agriculture for their work in helping advance Oregon's code for retail - now it's time for Oregon Health Authority to follow a similar path and update the health code and respective rules to enable reuse systems for restaurants and other food vendors.

This policy is a no-brainer for modernizing our retail and restaurant code and their respective rules. This is about business freedom, consumer freedom and simple opportunities to better enable reuse.

Why Reuse Matters:

Plastic pollution is a grave climate and environmental justice problem that threatens marine ecosystem health, critical components of the food chain, communities and coastal economies. The U.S. produces more plastic waste than any other country in the world, at an estimated 42 million metric tons each year. With only 9 percent of plastic ever recycled, most of this waste ends up mismanaged and polluting our environment, including our air, water, seafood and more. An estimated 11 million tons enter the ocean each year, causing harm to marine life including the threat of plastic ingestion and entanglement to endangered species. Additionally, plastic production exacerbates our nation's reliance on and emission of harmful fossil fuels.

As Oregonians realize, the plastic lifecycle is problematic: from extraction to disposal, plastic pollutes our environment and its production contributes to climate change. Plastic also pollutes our communities, disproportionately harming low-income residents and communities of color. Plastic is all around us and it's our responsibility to enable a better culture to reduce first, which begins in many retail and restaurant spaces by enabling policies for reuse.

SB 545 is a simple step towards enabling business and consumer freedoms to safely shift from single-use to reuse systems and opportunities. Oregon has embraced retail and restaurant code for reuse in the beverage industry for over a decade, it's time to bring our food systems up to speed.

Sincerely,

A handwritten signature in cursive script that reads "Charlie Plybon".

Charlie Plybon
Oregon Policy Manager
Surfrider Foundation