



**DART CONTAINER CORPORATION**

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WRITTEN TESTIMONY FOR MICHIGAN HOUSE COMMITTEE ON  
NATURAL RESOURCES, ENVIRONMENT, TOURISM AND  
OUTDOOR RECREATION  
SEPTEMBER 28, 2023

REGARDING HB4359

On behalf of Dart Container (Dart), we appreciate the opportunity to provide written testimony regarding HB4359 - the repeal of state preemption on bags and auxiliary containers.

Dart respectfully opposes the legislation.

### **Background**

Dart is a leading manufacturer of sanitary, individual use foodservice containers. We manufacture foodservice ware from paper, recycled content, bio-resin, molded fiber as well as from several plastic resins - polyethylene terephthalate (PET), polypropylene (PP), polystyrene (PS) and polystyrene foam / expanded polystyrene (EPS). In 2012 we acquired Solo Cup.

Dart originated in Mason, Michigan in 1960 and we are a privately held company. We have locations throughout the United States as well as in Canada and Mexico. Globally we have 13,000 employees; 1900 are based in Michigan.

Today our Michigan footprint includes our Mason campus where we have manufacturing, corporate offices, a recycling center as well our innovation center. We also have our ink production plant in Holt, Michigan and a dedicated sales team throughout the state.

### **Impact of HB4359**

The purpose of HB4359 is to repeal the prohibition of local entities to ban bags and auxiliary containers. The bill will impact more than Dart, but as a proud Michigan company we feel it is

important to explain the negative impacts HB4359 would bring based on our experience with bans in other states and countries.

Auxiliary containers, also known as food service containers, are precisely the Michigan made products that Dart Container manufactures. By allowing localities to ban any or all auxiliary containers, Dart's ability to employ hard working Michiganders is at risk. As our products are banned, the loss of revenue forces tough decisions to be made such as maintaining current employees and hiring new employees as well as investing in the company. We know this from experience. In 2023, the impact of product bans resulted in the closure of three of our production facilities located in - Washington State, Illinois, and England.

Michigan businesses and residents will also feel the impact of bans if HB4359 is passed into law. Restaurants will be forced to use only what their city or county allows. This may translate into cost increases or use of products that do not fit the needs of the food and drink a venue serves. For residents, they may encounter increased prices at their local eateries as some restaurants will have no choice but to increase prices of their offerings to compensate for the expense of alternative food containers. This increase may deter some customers. And the price increases may also be significant enough for a business to forgo hiring additional help to make up for the increased operating costs.

### **Bans do not fix litter**

Bans do not solve litter issues. We raise this as many times a jurisdiction will say the reason, they need a ban is to stop litter. In 2008 the city of San Francisco moved to ban expanded polystyrene (EPS) foodservice ware. City officials stated that the ban would fix their litter issue. The city even set out to prove this through waste audits done a year before the ban was in effect and a year after the ban was in effect. The results were not what they expected. The ban did not solve the waste issue, rather is just rearranged the litter stream. San Francisco now had an issue with paper litter (the item that replaced the banned EPS). The fact being litter is a human behavior issue and not the issue of a material.

### **SB4359 and the Growing Michigan Together goal**

In June Governor Witmer announced the Growing Michigan Together Council. The Governor's press release from June 1, 2023, states " *The council will be led by bipartisan co-chairs and develop strategies to make Michigan a place where everyone has the opportunity to succeed*". Unfortunately, HB4359 will open the door for new regulations which will impede a business's ability to thrive as explained earlier in this submission.

### **Sustainability at Dart**

The previous sections covered the reasons we oppose HB4359, but it is also important to share the role sustainability plays at Dart.

For more than 35 years Dart has taken leadership and action on initiatives that reduce or eliminate the impact our products have on our communities and planet, including building, funding, and promoting recovery infrastructure across North America.

Our sustainability efforts include:

- **Marine Debris mitigation:** Dart contributed \$100,000 in grants to the Council of the Great Lakes' Circular Great Lakes initiative for the purchase and installation of the LittaTrap™ and other innovative devices to capture debris. The devices prevent land-based litter, oil, and sediment from entering the Great Lakes and connecting waterways in the US and Canada. Dart is the first manufacturer to sponsor a program of this kind through the Council of the Great Lakes.
- **“Next Life Take Back Program”:** This newly launched program supports litter reduction efforts and access to recycling. The program allows customers in the US to ship their used Dart foodservice packaging to the appropriate recycling facility. Customers will upload a proof of purchase, include the measurements of the box to be sent off, and buy a discounted UPS shipping label based on the material type. We look for this program to inspire others in the industry to offer similar options.
- **Expanded Polystyrene Recycling & Michigan County Program:** Dart pioneered recycling of post-consumer EPS foodservice ware and shape molded EPS in 1990. Thirty years later we remain a leader in this space through the EPS recycling facilities and collection depots in which we are involved. Our manufacturing facilities provide free public drop off for EPS - post consumer food packaging (whether or not it is Dart's) as well as protective packaging. In Michigan we partner with more than thirty communities that include EPS in their permanent recycling drop off center. For those communities who do not have a permanent location, we partner with them on special foam collection events throughout the year.
- **Dart Community Action Team (DCAT).** We ask our employees in Michigan and at all our facilities to give at least an hour for litter clean up in their community. For every hour of service, we plant a tree through One Tree Planted.
- **Operation Clean Sweep (OCS).** In 2019, Dart facilities committed or recommitted to participating OCS. OCS is a product stewardship program operated by the Plastics Industry Association and American Chemistry Council that promotes zero pellet-, flake-, and powder-loss (PFPL) in plastics manufacturing. Dart's participation includes a pledge to reduce PFPL by conducting site audits, increasing employee awareness, and improving equipment, processes and procedures as needed. After making the commitment, every Dart facility completed a site survey to identify equipment and areas that allowed plastic

*Dart sets the Industry Standard of Excellence by safely and efficiently providing high-quality food and beverage packaging solutions and exceptionally reliable service to each and every one of our customers.*

to escape into the environment and implemented best management practices to eliminate PFPL loss. (Best management practices (BMPs) include educating and training employees in work processes that support zero plastic loss; installing screens, filters and other plastic-collection and containment devices; and increasing inspection and cleanup activities.) In 2021, following the successful implementation of OCS BMPs, all of Dart's plastic producing facilities achieved elite OCS Blue status and we have committed to having third-party audits moving forward.

## **Conclusion**

In closing, Dart respectfully opposes HB4359 for the reasons explained in this submission. We thank you for the consideration of our comments.