GOVERNMENT OF THE DISTRICT OF COLUMBIA

**Office of Disability Rights**



B22-902, the “Sustainable Straws and Stirrers Amendment Act of 2018”

Testimony of

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Before the

Committee on Transportation & the Environment

Council of the District of Columbia

The Honorable Mary Cheh, Chairperson

John A. Wilson Building

Room 500

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Washington, DC 20004

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Time: 10:00 am

Good morning, Chairperson Cheh and members of the Committee on Transportation and the Environment. My name is Mathew McCollough, and I am the Director of the Office of Disability Rights (ODR)[[1]](#footnote-1). Thank you very much for allowing me to provide testimony on Bill 22-902, the “Sustainable Straws and Stirrers Amendment Act of 2018.” The Executive supports the intent of this bill and looks forward to working with the Committee to make adjustments that will allow us to reach our shared goals of building sustainable communities and increasing access for all residents.

The mission of ODR is to ensure that programs services, benefits, activities, and facilities operated or funded by the District of Columbia are fully accessible to, and useable by, people with disabilities. ODR was created to exclusively focus on the District of Columbia Government’s commitment to the Americans with Disabilities Act (ADA) and compliance with all other federal and local disability-related laws. This directive paved the way for the District to become a nationally-recognized leader in serving people with disabilities.  ODR actively supports, promotes, and works to advance the protections available under the ADA and other laws impacting our citizens with disabilities in areas of employment, state and local government, public accommodations, commercial facilities, and transportation.

Bill 22-902, the “Sustainable Straws and Stirrers Amendment Act of 2018,” amends the current Sustainable DC Omnibus Amendment Act to prohibit the sale, provision, or use of non-compostable straws or stirrers by food service entities in the District. While the reduction of plastic straws from public consumption is a just and needed cause, the complete elimination of plastic straws from these entities neglects the legitimate need of many DC residents and visitors, including seniors, veterans, and other patrons with disabilities who depend on plastic straws to take in nourishment. Specifically, patrons with neuromuscular disabilities (e.g.: cerebral palsy, Amyotrophic lateral sclerosis (ALS), Multiple sclerosis (MS), Muscular dystrophy, etc.), spinal cord injuries, and/or upper limb amputations may use plastic straws as a daily part of their nutritional regimen.

Patrons with these disabilities may depend on straws to drink because they have missing limbs, do not have the arm strength to hold a glass, or do not have the manual dexterity to bring it to their mouths. Additionally, straws serve two important purposes for people with neuromuscular disabilities and/or spinal cord injuries who struggle with swallowing. These important instruments limit this population’s risk of choking by:

1. Passing food through the esophagus more smoothly; and
2. Measuring small sips from their glass so they do not take in too much liquid. Signs of choking may indicate that liquid passed through the person’s wind pipe and down into his or her lungs. For patrons that have challenges regulating fluid in their lungs, asphyxia or drowning will occur.

Finally, compostable straws, usually made from paper products, simply will not work for people with neuromuscular disabilities, especially those patrons with limited control and function over their mouths and tongues. As a result, compostable straws may break off in the patrons’ mouths due to constant biting down and/or contact with saliva, rendering the instruments unusable or, even worse, creating choking hazards.

In closing, plastic straws serve as a medical necessity for many DC residents and visitors with disabilities. In light of this fact, the Office of Disability Rights recommends that food service entities keep a small supply of plastic straws in stock and available upon request for those patrons with medical necessity. This recommendation allows all D.C. businesses selling beverages to meet their legal obligations in offering appropriate “public accommodations” under Title III of the Americans with Disabilities Act[[2]](#footnote-2).

Thank you for the opportunity to testify today. I am happy to answer any questions you may have.

1. <https://odr.dc.gov/> [↑](#footnote-ref-1)
2. ### § 36.302 Modifications in policies, practices, or procedures: <https://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a302>

   [↑](#footnote-ref-2)