

SB 543 A -A5 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

Prepared By: Erin Pischke, LPRO Analyst

Meeting Dates: 4/17, 4/19

WHAT THE MEASURE DOES:

Prohibits a food vendor from using polystyrene foam container in selling, offering for sale, serving, or dispensing prepared food to consumer. Prohibits person from selling, offering for sale, or distributing polystyrene foam containers, polystyrene foam packaging peanuts, or foodware containers containing intentionally added perfluoroalkyl or polyfluoroalkyl substances in or into this state. Establishes civil penalty not to exceed \$100 per day for food vendor that violates prohibition of providing prohibited containers and \$500 per day for person selling, offering, or distributing prohibited containers in or into the state. Prohibitions become operative January 1, 2025.

- *FISCAL: Has minimal fiscal impact*
- *REVENUE: No revenue impact*
- Senate vote: 20-9-0-1

ISSUES DISCUSSED:

- Potential human health impacts of perfluoroalkyl and polyfluoroalkyl substances
- Polystyrene not accepted in curbside recycling
- Persistence of polystyrene in the environment
- Proportion of prohibited polystyrene products in waste stream

EFFECT OF AMENDMENT:

-A5 Prohibits Department of Environmental Quality (DEQ) from enforcing the polystyrene foam container prohibitions if the combined statewide recycling rate of polystyrene foam containers and polystyrene foam packaging peanuts meets the certain recycling rate goals. Authorizes DEQ to use information obtained under ORS 459A.926 to annually calculate the combined statewide recycling rate of polystyrene foam containers and polystyrene foam packaging peanuts under recycling rate goals. Authorizes DEQ to begin enforcement of polystyrene foam container prohibitions if DEQ determines that a recycling rate goal for any calendar year has not been met, unless the department determines that the recycling rate for the subsequent calendar year has met the recycling rate goal. Modifies civil penalties for violations of polystyrene foam container prohibitions. Modifies effective date to January 1, 2029 from January 1, 2025 for polystyrene foam container prohibitions.

BACKGROUND:

Polystyrene is a plastic used to make a variety of products, including food packaging and packing materials. Products made from the foam version of polystyrene include cups, plates, and takeout containers. Because they are not readily recyclable, the materials often end up in landfills, waste-to-energy facilities, or the environment. The foam breaks down into small pieces that can be easily scattered in the wind and contaminate the environment.

In 2019, Maryland became the first state to enact a prohibition of use of polystyrene food packaging containers. Since that time, the following states have also enacted some form of a polystyrene prohibition: Colorado, Maine, New Jersey, New York, Vermont, Virginia, and Washington.

Senate Bill 543 A would prohibit food vendors from using polystyrene foam containers on or after January 1, 2025. The Act would also prohibit the sale or distribution of polystyrene foam containers, polystyrene foam packaging

SB 543 A -A5 STAFF MEASURE SUMMARY

peanuts, or foodware containers containing intentionally added perfluoroalkyl or polyfluoroalkyl substances on or after January 1, 2025.

PRELIMINARY