

HB 2883 -7, -8, -9 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/19, 2/21, 4/4

WHAT THE MEASURE DOES:

Prohibits a food vendor from using a polystyrene container in selling, offering for sale, serving, or dispensing prepared food to a member of the public. Becomes operative January 1, 2020. Defines "food vendor" as a business, organization, or person that sells prepared food to the public as their principal activity. Includes stores, shops, sales outlets, restaurants, grocery stores, supermarkets, delicatessen, food cart or other vehicle from which prepared food is sold. Exempts from prohibition polystyrene coolers or containers intended to be reused and enclosed by a solid plastic shell; trays or containers used to store or ship an ingredient or a food product that is not prepared food; and polystyrene plastic material used solely for packing or protecting items during storage or shipping. Authorizes Oregon Department of Environmental Quality (DEQ) to impose a civil penalty of up to \$250 per violation. Directs penalties to be deposited into the General Fund. Authorizes DEQ Director to adopt rules or take action before the operative date to enact prohibition. Takes effect 91 days after 2019 sine die.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-7 Removes civil penalty for violation of polystyrene ban. Removes authorization for DEQ to adopt rules or take action before the operative date to enact the prohibition. Modifies operative and effective dates. Takes effect January 1, 2021.

-8 Modifies the definition of "prepared food" for the purposes of this Act. Establishes that "prepared food" does not include meat, fish, eggs, or produce, if the meat, fish, eggs, or produce are raw and have not been prepared for immediate consumption.

-9 Replaces measure. Establishes Task Force on Recycling, Recovery, and Composting of Food Service Materials (Task Force), composed of nine members. Charges the Task Force to review and assess technologies available in the recycling, recovery, and composting of food materials to develop a policy to increase recycling, recovery, and composting of food service materials as an alternative to a prohibition on polystyrene containers for prepared food. Directs Task Force to meet through 2020 and submit a report to the Oregon Department of Environmental Quality (DEQ) and to the legislature by September 15, 2020. Directs DEQ to submit a report to the legislature by September 15, 2024 that takes into account recommendations from the Task Force, identifies progress the state is making to establish meaningful recycling, recovery, and composting infrastructure for food service packaging materials as an alternative to a prohibition on polystyrene containers, and includes recommendations for legislative action, if any. Directs the Oregon Department of Environmental Quality to provide staff support to the Task Force and directs all state agencies to assist the Task Force as needed.

Prohibits a city, county, or other local government from adopting or amending any local provision to prohibit or limit a food vendor's use of a polystyrene container for prepared food. Allows a city, county, or other local government to enforce a local provision if it was in effect before the effective date of this Act.

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Sunsets the Task Force December 31, 2020. Sunsets the reporting requirement for DEQ on January 2, 2025. Sunsets preemption of local provisions January 2, 2026. Takes effect on the 91st day after adjournment, sine die.

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, which is often recognized by the brand name Styrofoam, include cups, plates, and takeout containers. Foam polystyrene is often used to keep prepared food hot, cold, or fresh, and is also used to cushion products, including food products, during transport and storage.

Cities and counties in California, Florida, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Texas, as well as the District of Columbia, have enacted full or partial bans on foam polystyrene products in restaurants and businesses. Currently, there are no state-level bans on polystyrene products.

House Bill 2883 would prohibit Oregon food vendors from using polystyrene containers in selling, offering for sale, serving, or dispensing prepared food to a member of the public.