

**HB 2883 A STAFF MEASURE SUMMARY**  
**House Committee On Energy and Environment**

**Carrier:** Rep. Schouten

**Action Date:** 04/09/19

**Action:** Do pass with amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.)

**Vote:** 6-3-0-0

**Yeas:** 6 - Helm, Salinas, Schouten, Sollman, Wilde, Williams

**Nays:** 3 - Findley, Reschke, Zika

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Misty Freeman, LPRO Analyst

**Meeting Dates:** 2/19, 2/21, 4/4, 4/4, 4/9

**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. 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. 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. 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. Takes effect January 1, 2021.

**ISSUES DISCUSSED:**

- Polystyrene is not biodegradable but does photo degrade and break into small pieces
- Consumption of polystyrene by wildlife, including marine species
- Recycling opportunities for polystyrene
- Opportunities for product stewardship
- Costs and weight of containers made of different materials

**EFFECT OF AMENDMENT:**

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. 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.

**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.

**HB 2883 A STAFF MEASURE SUMMARY**

House Bill 2883 A 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.