

SB 543 -4 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

Prepared By: Beth Reiley, LPRO Analyst

Meeting Dates: 2/14, 2/16, 3/23

WHAT THE MEASURE DOES:

Prohibits, effective January 1, 2025, a food vendor from using polystyrene foam container in sales of prepared food. Prohibits food vendor from providing consumer single-use foodware container unless it is made from fiber-based material, has been certified as compostable, or is included in uniform statewide collection list. Directs Department of Environmental Quality (DEQ) to establish certification program for compostable products that are: readily accepted for composting and actually composted by a majority of cities, counties or metropolitan service districts or if a new product be reasonably expected to meet certain requirements; consist of wood or natural fibers without any coatings, additives or toxic substances; and display marking that the product has been certified. Prohibits person from selling or distributing: polystyrene foam containers, polystyrene foam packaging peanuts, or foodware containers containing perfluoroalkyl or polyfluoroalkyl substances. Requires DEQ to develop and implement public education and awareness campaign to inform public of Act's requirements. 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.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Removes language prohibiting food vendor from providing consumer single-use foodware container unless it has been made from fiber-based materials; certified as compostable; or included in statewide collection list. Removes requirement for the Department of Environmental Quality (DEQ) to establish compostable products certification program. Prohibits person from selling or distributing foodware containers containing intentionally added perfluoroalkyl or polyfluoroalkyl substances. Removes requirement to develop and implement public education and awareness campaign. Removes authorization to Department of Environmental Quality (Agency) allowing Agency to take action prior to operative date.

- No Revenue Impact
- Minimal Fiscal Impact

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 constrainers. 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.

SB 543 -4 STAFF MEASURE SUMMARY

Senate Bill 543 would prohibit food vendors from using polystyrene foam containers or providing single-use foodware containers unless they meet certain criteria on or after January 1, 2025. The Act would also prohibit the sale or distribution of polystyrene foam containers, polystyrene foam packaging peanuts, or foodware containers containing perfluoroalkyl or polyfluoroalkyl substances on or after January 1, 2025.