

SB 543 A STAFF MEASURE SUMMARY
Senate Committee On Energy and Environment

Carrier: Sen. Sollman

Action Date: 03/23/23
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 5-0-0-0
Yeas: 5 - Findley, Golden, Hayden, Lieber, Sollman
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Beth Reiley, LPRO Analyst
Meeting Dates: 2/14, 2/16, 3/23

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.

ISSUES DISCUSSED:

- Polystyrene not accepted in curbside recycling
- Persistence of polystyrene in the environment
- Interaction with Recycling Modernization Act (Senate Bill 582, 2021)

EFFECT OF AMENDMENT:

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 DEQ allowing DEQ to take action prior to operative date.

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