



# Q&A: BAN ON THE USE AND SALE OF POLYSTYRENE FOOD SERVICE WARE IN MONTGOMERY COUNTY, MARYLAND

The Montgomery County Executive and Council enacted Council Bill 33-20 on October 20, 2020.

## What does this bill do?

- Clarifies select requirements of Council Bill 41-14 that was effective January 1, 2015.
- Prohibits the use of all polystyrene food service products by food service businesses.
- Prohibits the sale of polystyrene loose fill packaging (also known as packing peanuts) and all polystyrene food service products.
- Requires all county agencies, contractors or lessees, and food service businesses to use food service products that are compostable or recyclable in Montgomery County, Maryland.

## Who must comply with this law?

- All food service businesses, including full-service restaurants, limited-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, businesses or institutional cafeterias located in Montgomery County, Maryland. The law also applies to not-for-profit organizations.
- All food service operated by or on behalf of Montgomery County departments and agencies, as well as other businesses selling or providing food within the County for consumption on or off the premises.
- All retailers in Montgomery County, Maryland.

## What items does the term polystyrene food service products include?

- Disposable food service ware such as food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of polystyrene and used for selling, providing, or serving food and drink, intended to be used once for eating or drinking and generally recognized to be discarded after one use. These items are labeled #6-PS.
- This term does not include items composed entirely of aluminum, which are required to be recycled per Montgomery County Executive Regulation 1-15.



## What food service ware items are exempt from this law?

- Food or beverages that are filled and packaged in polystyrene containers outside of Montgomery County before a food service business located in the County receives them.
- Materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.
- If the County Executive determines there is no affordable compostable or recyclable alternative to a disposable food service ware item, this item will then be included on an exemption list and made publicly available.

## What if my business does not comply with this law?

- Failure to comply with this law is a class B civil violation of Montgomery County Code. Each day a violation exists is a separate offense.

## What types of food service ware can be used?

- All disposable food service ware (containers, bowls, plates, trays, cartons, cups, lids, and other items designed for one-time use for beverages, prepared food, or leftovers prepared by a food service business) must be either recyclable in Montgomery County or compostable. Compostable food service ware includes ASTM D6400 or D6868 for biodegradable and compostable bioplastics that are clearly labeled, preferably with a color symbol, such that any compost collector and processor can easily distinguish the compostable ASTM standard bioplastic from non-ASTM standard plastic. Compostable means the material will break down into, or otherwise become part of usable compost soil-conditioning material in a safe and timely manner in an appropriate composting program or facility. *Currently, there is a very limited number of compost facilities accepting food scraps and compostable food service ware in their composting operations in existence serving the region.*
- Due to the limited number of compost facilities that can currently accept food scraps and compostable food service ware, it is recommended



that food service ware that is **recyclable** in Montgomery County should be selected for use. Recyclable means any material that can be recycled in the County's recycling program.

and suffer harm as a result. Reducing waste, recycling and purchasing recyclable or compostable food service ware products all play an important part in keeping our land, air and water clean.



### Where can I find a list of alternative food service ware products that are recyclable or compostable?

- The Montgomery County Department of Environmental Protection's Recycling and Resource Management Division publishes a list of vendors offering affordable recyclable or compostable food service ware products. The list of vendors is reviewed and updated annually and is published on the Division's website at [MontgomeryCountyMD.gov/recycling](http://MontgomeryCountyMD.gov/recycling).



### What is the difference between biodegradable and compostable?

- There is confusion between the terms "biodegradable" and "compostable". It is important to note that these two terms do not have the same meaning.
- Biodegradable** is used to mean that an item decomposes in a reasonably short amount of time under typical conditions. However, there is currently very little regulation pertaining to the use of the term biodegradable on packaging and in advertising, so products that require long periods of time to decompose may still advertise themselves as being biodegradable. Several organizations offer biodegradable certification for a variety of products, including paper, soaps, and fibers. Look for these seals to ensure the products you purchase live up to their claims.
- Compostable** products will not biodegrade in the environment (on the side of the road or in the ocean, for example) but will break down in a commercial composting system. Most commercial composting facilities operate their systems at high temperatures, allowing the materials to decompose at faster rates. However, compostable products have varying decomposition rates; therefore, composting facilities may only accept a certain type or manufacturer of compostable food service ware. Therefore, check with your food scrap recycling service collector to determine which compostable products are acceptable.

### How can my business reduce the amount of waste generated and reduce the need to purchase and use recyclable or compostable food service ware?

- Encouraging customers to bring reusable containers for items such as leftovers for meals or for drinks can be a way to reduce the costs for food service ware and reduce the amount of waste generated by your business.



### Why is the ban needed?

- Polystyrene (PS) #6 products, whether in expanded **or** rigid form, are not recyclable in Montgomery County, Maryland and there is a lack of polystyrene recycling facilities in the region.
- Polystyrene foam photo-degrades, breaking down into smaller and smaller pieces, but it never really goes away. Fish and other aquatic wildlife often mistake the pieces of foam for food, ingest them,



Montgomery County, Maryland  
Department of Environmental Protection  
Recycling and Resource Management Division  
Waste Reduction and Recycling Section  
[MontgomeryCountyMD.gov/RecycleRight](http://MontgomeryCountyMD.gov/RecycleRight)  
Call 3-1-1 or 240-777-0311

