



# Montgomery County, MD

Department of Environmental Protection

Division of Solid Waste Services

Waste Reduction and Recycling Section

## Webinar: Ban on Expanded Polystyrene Food Service Ware and Loose Fill Packaging



Last updated: November 18, 2015





# Webinar Agenda

- Review of examples of expanded polystyrene products
- Summary of Montgomery County Bill 41-14
- Effective dates
- Vendor listing
- Education
- Q&A Session



# Bill 41-14: Expanded Polystyrene Food Service Ware

- Solid Waste (Trash)
  - Food Service Products
  - Packaging Materials





# What are the Expanded Polystyrene Products?

- Food containers, plates, beverage cups, trays, egg cartons, and other products made of expanded polystyrene
- Polystyrene loose fill packaging – “packing peanuts”





# Background

- July 31, 2012 – Resolution No. 17-522 supports elimination of expanded polystyrene food service ware in County government; encourages other public and private entities to do the same
- September 9, 2014 - Bill 41-14: Solid Waste (Trash) Food Service Products Packaging Materials – Requirements: Introduced by Councilmember Hans Riemer
- Bill 41-14 Enacted by County Council on January 20, 2015 and signed by County Executive on January 28, 2015



# Summary of Bill 41-14

- Prohibits the use of certain expanded polystyrene food service products by food service businesses
- Requires the use of compostable or recyclable food service ware by the County, County contractors or lessees, and food service businesses
- Prohibits the sale of certain expanded polystyrene food service products and polystyrene loose fill packaging



# Effective Dates

## January 1, 2016

- Food service businesses must not use expanded polystyrene food service products;
- A person must not sell expanded polystyrene food service products or packaging materials;
- A County agency, contractor, or lessee must use compostable or recyclable food service ware, but may exhaust supplies purchased before that date until January 1, 2017.

## January 1, 2017

- All food service business must use recyclable or compostable food service ware.



# Recyclable or Compostable?

## Recyclable

- Materials that can be sorted, cleaned, and reconstituted in a cost-effective manner using collection programs provided in the County for the purpose of using the altered form in the manufacture of a new product.



## Compostable

- Materials that will break down into, or otherwise become part of, usable compost
- Compostable products include ASTM (American Society for Testing and Materials) standard bioplastics that are clearly labeled and easily distinguishable





# Examples of Recyclable Food Service Ware





# Who Does the Law Apply To?

- Restaurants (full and limited service)
- Fast food
- Café/delicatessen
- Coffee shop
- Supermarket/grocery stores
- Vending truck/cart or food truck
- Business/Institutional cafeterias
- Others that sell or provide food for consumption on/off premise
- Retailers (i.e. pharmacies, office supply vendors, membership warehouses, etc.)





# Exemptions

- Exempts food service businesses from using compostable or recyclable disposable food service ware if there is no suitable or affordable alternative (item will be specified on an exemption list and exemption list will be reviewed and updated annually)
- Food or beverages filled and sealed in expanded polystyrene containers outside of Montgomery County
- Materials used to package raw/uncooked/butchered meat, seafood, or poultry for off-premise consumption





# Vendor Listing

Product

Size

Item #

Pricing

1	Product Type	Style	Standard Size	Dimensions	Item #	Units - July 2015	Price -July 2015	Unit Pric
2	Souffle Cup		2 oz	Height: .8" Diameter: 2.4"	SKU # CU-SC-U2-P	2000	58.14	
3	Souffle Cup		4 oz	Height: 1.8" Diameter: 3.0"	SKU # CU-SC-U4-P	1000	50.73	
4	Souffle Cup Lid		4 oz	Height: 0.25" Diameter: 3.25"	SKU # CUL-SC-U4-P	1000	29.07	
5	Bowl		6 oz	Top diameter: 3.5" Depth : 2" Base diameter: 1.8"	SKU # BO-SC-U6-P	1000	48.74	
6	Bowl		8 oz	Top diameter: 4.5" Depth : 4.5" Base diameter: 1.75"	SKU # BB-SC-U8-P	500	34.49	
7	Bowl		11.5 oz	Length: 5.9" Depth : 1.8"	SKU # BORT-SC-U11-P	1000	61.85	
8	Bowl		12 oz	Top diameter: 4.5" Depth: 2.3" Base diameter : 2.3"	SKU # BB-SC-U12-P	500	40.19	
9	Bowl		16 oz	Depth: 3.3" Diameter: 4.5"	SKU # BB-SC-U16-P	500	54.44	
10	Bowl Lid		8-16 oz	Length: 4.6" Depth: .4"	SKU # BBL-SC-U12-P	500	26.79	
11	Bowl		24 oz	Depth: 2.4" Diameter: 7.4"	SKU # BO-SC-U24-P	500	98.61	
12	Bowl		32 oz	Depth: 3.15" Diameter: 7.4"	SKU # BO-SC-U32-P	500	106.59	
13	Bowl Lid		24-32 oz	Length: 7.6"; Width: 7.6" Height:0.875"	SKU # BOL-SC-U24-P	500	70.11	
14	Burrito Bowl	Burrito	24oz	Length: 8"; Width: 5.35"; Depth:1.57"	SKU # BO-SC-UBBS-P	500	75.24	
15	Burrito Bowl Lid		24 oz	Length: 8.25"; Width: 5.5" Height:1.5"	Item currently unavailable	400		



# DSWS Provides Education



## Q&A: Ban on the Use and Sale of Expanded Polystyrene Food Service Ware in Montgomery County, Maryland

The Montgomery County Council enacted Council Bill 41-14 on January 20, 2015. What does this bill do?

- Prohibits food service businesses from using expanded polystyrene (also known as foam or Styrofoam™) food service ware, effective January 1, 2016.
- Prohibits the sale of polystyrene loose fill packaging (also known as packing peanuts) and expanded polystyrene food service products, effective January 1, 2016.
- Requires all county agencies, contractors, and lessees to use compostable or recyclable food service ware by January 1, 2016.
- Requires all other food service businesses to use compostable or recyclable disposable food service ware by January 1, 2017.

### 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.
- 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 food service ware include?

- Disposable food service ware includes containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, egg cartons, napkins, and other items that are designed for one-time use.
- This term does not include items composed entirely of aluminum, which are required to be recycled per Montgomery County Executive Regulation 15-04AM.



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

- Food or beverages that are filled and sealed in expanded polystyrene containers outside of Montgomery County before a food service business located in the County receives them.
- Expanded polystyrene products 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?

- By January 1, 2017, all disposable food service ware used must be either recyclable or compostable in Montgomery County. Compostable food service ware includes ASTM standard 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 that 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. *Note that currently, there are a limited number of compost facilities accepting food scraps and compostable food service ware in their composting operations in existence in 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.



(See back side for more information)



# Questions?

**Montgomery County**  
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**Division of Solid Waste Services**  
**Waste Reduction and Recycling Section**  
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