

SUPPORT HB 1902

Expanded polystyrene food service containers; prohibition on dispensing, civil penalty

Delegate Betsy Carr

Reasons to support HB 1902:

1. Expanded polystyrene, or what most of us call “Styrofoam”, becomes litter more than any other waste product; it makes up 10 percent to 40 percent of litter found in streams, though foam only accounts for 1 percent of all waste.
2. It is often impossible to recycle polystyrene or is more expensive than using new polystyrene, so only 0.4% was recycled in 2017. Worse yet, polystyrene can be missed by recycling sorters and contaminate what would otherwise be valuable recycling streams, such as paper.
3. Polystyrene breaks apart easily into tiny particles called microplastics, and persists in the environment forever. In fact, every bit of polystyrene ever made is still out there.
4. Made of styrene, a known hazardous substance linked to various types of cancer, EPS foam is a petrochemical derived product that is a serious concern for human health and wildlife. Toxic chemicals from EPS foam containers can leach into food and drinks and then be ingested, especially when the food or beverage is served hot. People who work in areas with high concentrations of styrene have increased rates of cancer, neurological issues, and depression.

Overview:

Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts certain institutions, including correctional facilities and public schools, from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. Finally, the bill directs the Department of Environmental Quality to post to its website information on compliance and the filing of complaints. This bill is a reenactment of Chapter 1104 of the Acts of Assembly of 2020.



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This position was taken by Virginia Conservation Network (VCN)'s Legislative Committee and Board of Directors and is supported by Virginia's conservation community. For a complete list of VCN positions, visit www.vcnva.org/bill-tracker. VCN is committed to building a powerful, diverse, and highly-coordinated conservation movement focused on protecting our Commonwealth's natural resources today and for tomorrow.