



CITY OF NEWPORT STYROFOAM™ AND PLASTICS PROHIBITION FREQUENTLY ASKED QUESTIONS

1. Why did the City ban plastic and polystyrene foam food containers and foodware?

There are many reasons. The short answer is that it is the environmentally responsible thing to do. The many reasons that the City Council considered follow.

This initiative began when the Newport City Council adopted Resolution No. 3780, on November 20, 2017, which approved the Vision 2040 Plan, and a focus area of this Plan is “Preserving and Enjoying Our Environment.”

Subsequently, and in congruence with the Vision 2040 Plan, the City Council expressed interest in regulating the use of single-use expanded polystyrene, plastic, and plastic-lined food service ware.

Single-use EPS foam (commonly referred to as Styrofoam™) and plastic food service ware are made of nonrenewable resources which cause urban blight, land and marine litter, and damages wetland, estuarine, and oceanic habitats, and breaks down into micro-plastics that can create long-term environmental problems.

Costs associated with the use, recycling, litter collection, and disposal of single-use EPS foam (Styrofoam™) and plastic food service ware creates burdens on solid waste disposal facilities, and create a real, provable economic and environmental threat to the city’s natural resources and economy.

Based on market research, restaurants spend \$24 billion purchasing disposable food service ware items on average in the U.S.¹

In order to significantly reduce waste generation and its budgetary impact, the City Council determined that it is in the city’s best interest to regulate the use of single-use EPS foam (Styrofoam™) and plastic food service ware by retail and commercial establishments in the city.

¹ Upstream, based on Freedonia market research.

2. But aren't plastic food containers recyclable?

Even though plastic takeout containers are imprinted with the chasing arrows symbol, they are NOT recyclable in our current system and are landfilled. Packaging manufacturers include the chasing arrows symbol, without consulting the waste industry, to make their items more marketable. There is no market and no recycling facility in our region that accepts this type of plastic. Plastic jugs and bottles are the only acceptable plastic items for recycling. A container is considered a jug or bottle if the opening of the container is smaller than the base.

3. What are acceptable alternative materials to EPS Foam (Styrofoam™) and plastic food containers?

Reusable items are the most environmentally sustainable and save businesses money. Acceptable single use items include those made from fiber based materials and metal. Below are some examples of acceptable alternatives:



Reusable



Fiber Based



Metal

4. What about the little plastic cups that items like salad dressing come in?

- A. A container holding an ingredient of a larger meal such as salad dressing is exempt from this ordinance, so it can still be made of plastic.
- B. Single use plastic condiment packages (for items like ketchup or tartar sauce) can only be provided if the customer requests one, or if the business asks the customer if they want one and the customer responds affirmatively.

5. Why aren't compostable plastics allowed?

It has been documented that compostable plastics do not break down in commercial composting facilities and contaminate the finished compost. Oregon composting facilities ban ALL compostable plastics.

In addition to causing problems for composters, so called compostable plastics act like petroleum-based plastic in the environment and cause the same detrimental environmental impacts.

6. **How does this ordinance impact the sale of raw meat?**

Packaging for raw meat, raw poultry, raw seafood, unprepared produce, and uncooked eggs is exempt from this ordinance.

7. **I do not have servers - only counter service - so how does this ordinance impact my business?**

If your customers consume food on your premises: Only reusable food service ware may be provided (except disposable paper food wrappers, sleeves; foil wrappers; paper napkins; straws, and paper tray and plate-liners).

If your customers do not consume food on your premises: Customers may be allowed to access a self-service station for single-use plastic food service ware.

In both cases, single-use condiments can only be provided after a customer requests them.

8. **Some of the food I sell comes in plastic packaging when I purchase it. Is that prohibited by this ordinance?**

No. Food that is packaged and labeled by the manufacturer pre-sale is exempt from this ordinance.

9. **My business prepares food for sale, such as salads, sushi, sandwiches, etc., that are pre-packaged in my business. My customers want to see what they are purchasing. May I continue utilizing containers that allow viewing of the prepared food?**

This ordinance does not apply to the lids of containers used for food prepared or packaged by the retailer, i.e., pre-made and packaged salads, sushi, sandwiches, etc., but the **containers must be compliant.**

10. **Does the city have a list of vendors who can assist in supplying acceptable alternative food containers or supplies?**

The city recommends checking with your current food-packaging provider for acceptable alternative food containers or supplies. The city has found several websites that offer food packaging. The city cannot make a recommendation regarding a particular vendor. Some suppliers include:

www.webrestaurantstore.com

www.pactiv.com

<https://bioandchic.com/boxes/>

It is highly recommended that businesses begin searching for acceptable alternative food containers and supplies very soon. There is no guarantee that supplies will be sustained.

The city plans to coordinate a clearinghouse of these resources, which will be posted on its website.

10. If I cannot find a replacement for a container I currently use can I apply for an exemption for that item? If so, how do I do that?

The City Manager may exempt a food provider from the implementation deadline, i.e. the effective date of this chapter, for a period of not more than six months upon the food provider demonstrating to the City Manager's satisfaction, in writing, that this chapter would create an undue hardship, or practical difficulty, not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption will be in writing. The City Manager's decision will be final.