

CITY OF NEWPORT TO REGULATE SINGLE-USE EPS FOAM AND PLASTIC FOOD SERVICE WARE BEGINNING MARCH 31, 2022

Expanded polystyrene and plastic food service ware ban



Several types of expanded EPS Foam, polystyrene, sometimes called Styrofoam™, and plastic food service ware, will soon be banned for use in the City of Newport.

Issues associated with expanded polystyrene and plastic food service ware

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

The costs associated with the use, recycling, litter collection, and disposal of single-use Styrofoam and plastic food service ware creates burdens on solid waste disposal facilities, and creates a real, provable economic and environmental threat to natural resources and the economy.

EPS materials are extremely brittle and break easily into tiny pieces. These small pieces scatter in the wind and contaminate the environment.

The regulation of expanded polystyrene, and plastic food service ware, in the City of Newport, begins March 31, 2022

On December 6, 2021, the Newport City Council adopted Ordinance No. 2178, with a companion Resolution No. 3939. The ordinance will become effective on March 31, 2022, and the resolution contained implementation guidelines. A full copy of the ordinance and resolution can be found on the city's website at www.newportoregon.gov.

Impacted businesses

This ordinance will impact businesses that sell single-use EPS Foam (Styrofoam) products and those who use this product at their businesses, including:

Food providers, including full and limited service restaurants, food carts, bars, coffee and tea shops, grocery stores, convenience stores, hotels, motels, caterers, and food service contractors.

The regulations

No food provider shall serve prepared food in certain single-use or EPS foam plastic food service containers.

All food providers and cafeterias serving prepared food for the purposes of consumption on the premises shall only provide Reusable Food Service Ware (except that disposable paper food wrappers, sleeves; foil wrappers; paper napkins; straws, and paper tray and plate-liners shall be allowed for dining on the premises.)

All food providers, and cafeterias, where beverages may be consumed at dine-in areas, shall provide single-use condiments only after customer request.

All food providers and cafeterias, where customers order food for take-out or delivery, shall provide single-use plastic service ware and single-use condiments to customers only upon customer request or after asking if the customer needs single-use plastic service ware and single-use condiments, and the customer responds affirmatively. For electronic ordering, the food providers are responsible for coordinating with any third-party ordering service to prompt the customer to opt-in to single-use plastic service ware and single-use condiments. Food providers may impose a fee to customers that opt-in for single-use plastic service ware and single-use condiments.

All food providers serving prepared food for the purposes of consumption on the premises shall only provide Reusable Food Service Ware; (except that disposable paper food wrappers, sleeves; foil wrappers; paper napkins; straws and paper tray and plate-liners

shall be allowed for dining on the premises.)

Only as allowed by Subsection 4.40.040 (E) of this chapter: Food providers that distribute prepared food in single-use plastic food service containers shall: (1) distribute only disposables that exhibit a resin code other than 'No. 6' or 'PS'; and (2) maintain documentation about the composition of the disposable food service ware. Documentation may include information from the supplier, manufacturer, or bulk packaging for the disposables, and any other relevant information demonstrating that the disposable material is not polystyrene.

Single-use cups shall not be made of polystyrene.

Exemptions

Cafeterias and food providers designed for counter service may allow customers to access a self-service station for single-use plastic food service ware.

When the single-use plastic food service ware is attached to, or packaged by, the manufacturer with a beverage container before the beverage container is offered for retail sale. For example, juice boxes.

Products that include a single-use condiment as an ingredient are exempt from Subsection 4.40.030 (C). For example, a separate plastic container of dressing included within a larger salad container.

When free, or reduced-price, meals are provided as part of a social service to vulnerable populations, including without limitation, free or reduced-price meals provided by school systems, shelters, and programs that deliver meals.

Prepared food that is packaged and labeled by the manufacturer pre-sale by a food provider. This includes:

1. Packaging for raw meat, raw poultry, raw seafood, unprepared produce, and uncooked eggs;
2. Packaging for prepackaged food, shelf stable food, and catered food.

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.

Food containers and cups for spillable prepared foods and beverages for delivery or take out by a Food Provider may include lids, spill plugs and sleeves without request. Single use plastic lids, spill plugs, etc. shall only be used for the purposes of safety or spill

containment and in conjunction with an allowable food or beverage container under this chapter.

What's next?

The City of Newport will be working with a group that includes representation from a trash collection company, restaurant, retailer or grocery, and an environmental or litter organization to identify a list of suitable single-use alternatives for each product type, an FAQ for grocery/retail establishments, an FAQ for restaurants, and any other resources to support businesses in the implementation of this ordinance.

Questions????

Questions may be directed to Spencer Nebel, City Manager, at 541.574.0603, or Peggy Hawker, City Recorder/Special Projects Director, at 541.574.0163. Or by e-mail at p.hawker@newportoregon.gov.