



January 31, 2022

Dear Newport Business Owner:

We are writing to let you know that on December 6, 2021, the Newport City Council adopted Ordinance No. 2178. This ordinance restricts the use of single-use EPS foam and plastic food service ware, and will become **effective on March 31, 2022.**

What is single-use EPS foam and plastic food service ware?

EPS Foam means any material composed of polystyrene and having a closed cell air capacity of 25 percent or greater, or a density of less than 0.787 grams per cubic centimeter based on an average polystyrene density of 1.05 grams per cubic centimeter, as determined by an analytical testing laboratory. **This product is commonly referred to as Styrofoam™.**

Single-Use Plastic Food Service Ware means food service ware made of plastic. This includes compostable and biodegradable plastic (petroleum or biologically based polymer) service ware, but does not include service ware that is made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

What does this restriction mean to local businesses? It means:

No food provider shall serve prepared food in any single-use plastic food service containers.

All food providers and cafeterias serving prepared food for 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 are allowed for on premise dining.)

All food providers and cafeterias providing food for **take-out, and 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.**

Single-use cups shall not be made of polystyrene.

All food providers and cafeterias, where customers order food and beverages (includes on premise dining, take-out, and 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.

Exempted is prepared food that is packaged and labeled by the manufacturer pre-sale by a food provider, including:

Packaging for raw meat, raw poultry, raw seafood, unprepared produce, and uncooked eggs; and

Packaging for prepackaged food, shelf stable food, and catered food.

This, exemption requires that prepared foods in single-use plastic food service containers, as described above, shall: (1) be only disposables that exhibit a resin code other than 'No. 6' or 'PS'; and (2) and require that the food provider 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.

Hardship Exemption

Ordinance No. 2178 contains a hardship exemption. This provides that the City Manager may exempt a food provider from the implementation deadline of March 31, 2022, for a period of not more than six months, upon the food provider demonstrating to the City Manager's satisfaction, in writing, that this ordinance would create an undue hardship or practical difficulty. The primary use of the hardship exemption would be to allow time to deplete a previously purchased supply of the restricted containers.

Questions?

The City of Newport will be developing a resource page which will be added to the city's website. It will be accessible from the home page - www.newportoregon.gov. Also under development are FAQs that will address the questions that groceries/retailers, and restaurants, might have related to the implementation of the ordinance. The city is working with a group, comprised of a representative from grocery/retail, restaurants, solid waste disposals, and an environmental group, along with a City Councilor, to develop a list of alternative products and vendors. Again, this information will be on the resource page of the city's website.

This is a lot to absorb, and the city still has lots of work to do in terms of outreach and resources, so if you have questions, contact Peggy Hawker, at p.hawker@newportoregon.gov, or by telephone, at 541.574.0613, or Spencer Nebel, at s.nebel@newportoregon.gov, or by telephone at 541.574.0603.

Thank you for your cooperation.



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