



June 1, 2022

Dear Newport Business Owner or Manager:

We are writing to update you on the implementation of Ordinance No. 2178 that restricts the use of single-use EPS foam and plastic food service ware. When we wrote to you on January 31, 2022, the effective date of this ordinance was March 31, 2022. We reached out to you again on March 21, 2022 to let you know that due to supply chain issues in obtaining alternative products, the effective date is now January 1, 2023 (Ordinance No. 2193 extended the implementation date).

The purpose of this letter is to remind you that Ordinance No. 2178 will become effective on January 1, 2023, and to recommend that you plan accordingly by utilizing the supply of any materials that will be out of compliance on January 1, 2023. You will also need to begin seeking alternative packaging materials that comply with Ordinance No. 2178. As a refresher, a copy of Ordinance No. 2178 is enclosed.

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 often 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.**

Prepared food that is packaged and labeled by the manufacturer pre-sale by a food provider is exempted, 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. **The ordinance does not apply to lids of containers used for food prepared and packaged by the retailer, i.e., pre-made and packaged salads, sushi, sandwiches, etc., but the containers must be compliant.**

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.

Questions?

The City of Newport is developing a resource page that 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.

If you have questions, contact Erik Glover, at e.glover@newportoregon.gov, or by telephone, at 541.574.0613.

Thank you for your cooperation.

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