

Montgomery County, Maryland Ban on Polystyrene

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Waste Reduction and Recycling Section

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Montgomery County Council Bill 41-14

Bill No. 41-14
Concerning: Solid Waste (Trash) – Food Service Products – Packaging Materials – Requirements
Revised: October 30, 2014, Draft No. 6
Introduced: September 9, 2014
Enacted: January 29, 2015
Executive: January 28, 2015
Effective: January 1, 2016
§ 48-54(c) January 1, 2017
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2015

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Riemer, Council Vice President Leventhal and Councilmember Elrich

AN ACT to:

- (1) prohibit the use of certain expanded polystyrene food service products by food service businesses;
- (2) require the use of compostable or recyclable food service ware by the County, County contractors or lessees, and food service businesses;
- (3) prohibit the sale of certain expanded polystyrene food service products and polystyrene loose fill packaging;
- (4) provide for enforcement; and
- (5) generally amend County law regarding environmentally acceptable food service products and packaging materials.

By adding

Montgomery County Code
Chapter 48, Solid Waste (Trash)
Article VI, Disposable Food Service Products and Packaging Materials
Sections 48-52, 48-53, 48-54, 48-55, 48-56, 48-57, and 48-58

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:



Why Did Montgomery County Ban Polystyrene?

- To improve the quality of life for County residents, businesses and visitors by reducing the amount of litter on our land & in our watersheds
- To decrease the potential for harm to aquatic life, which may mistakenly ingest polystyrene
- To increase the use of recyclable & compostable items which are more sustainable alternatives
- To avoid potential health effects which may result from styrene



Background

- **July 31, 2012 – Resolution No. 17-522 supports elimination of expanded polystyrene food service ware in County government; encourages other public and private entities to do the same**
- **September 9, 2014 - Bill 41-14: Solid Waste (Trash) Food Service Products Packaging Materials – Requirements: Introduced by Councilmember Hans Riemer**
- **Bill 41-14 Enacted by County Council on January 20, 2015 and signed by County Executive on January 28, 2015**



Summary of Montgomery County Council Bill 41-14

- **Prohibits the use of certain expanded polystyrene food service products by food service businesses**
- **Requires the use of compostable or recyclable food service ware by the County, County contractors or lessees, and food service businesses**
- **Prohibits the sale of certain expanded polystyrene food service products and polystyrene loose fill packaging**



Phased In Effective Dates

January 1, 2016

- **Food service businesses must not use expanded polystyrene food service products, but may exhaust supplies purchased before that date until January 1, 2017;**
- **A person must not sell expanded polystyrene food service products or packaging materials;**
- **A County agency, contractor, or lessee must use compostable or recyclable food service ware, but may exhaust supplies purchased before that date until January 1, 2017.**

January 1, 2017

- **All food service businesses must use recyclable or compostable food service ware.**

Who Does the Law Apply To?



- **Food Service Businesses, including not-for-profit and government:**

- Restaurants (full & limited service)
- Fast food establishments
- Coffee shops
- Food trucks/vending carts
- Cafeterias (business & institutional)
- Others that sell or provide food for consumption on/off premise



- **Retailers:**

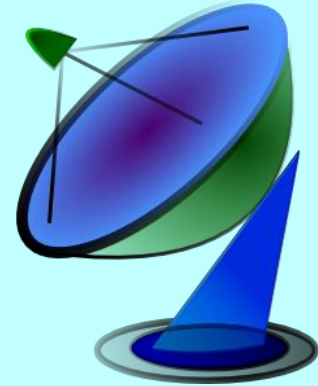
- Grocery stores/markets
- Pharmacies
- Office supply vendors
- Membership warehouses
- Packing and shipping material suppliers

Exemptions

- Exempts food service businesses from using compostable or recyclable disposable food service ware if there is no suitable or affordable alternative (item will be specified on an exemption list and exemption list will be reviewed and updated annually) **Note: There have been no items put on an exemption list.**
- Food or beverages filled and sealed in expanded polystyrene containers outside of Montgomery County
- Materials used to package raw/uncooked/butchered meat, seafood, or poultry for off-premise consumption



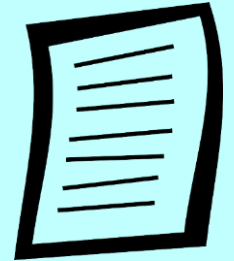
Outreach and Education



- Website with information updated regularly
- Email listserv to provide updates, notifications electronically
- Research on availability of recyclable and/or compostable product alternatives, vendors, posted on website
- Q & A flyer
- Webinars offered/presentation posted on website
- Information/support to government facility recycling coordinators
- Coordination with Chambers of Commerce, Maryland Restaurant Association, Maryland Retailers Association and others
- Mailer to food service establishments/retailers



Outreach and Education (continued)



- **Translated education/notice for one-on-one distribution**
- **Information pertaining to Bill 41-14 in four electronic newsletters to businesses, organizations, multi-family properties, single-family households**
- **Training sessions for farmers market vendors and operators**
- **Coordination with County Health & Human Services Health Department inspectors who inspect/certify food service businesses**
- **Training/Q&A sessions for HHS Health Department inspectors**
- **Information in business recycling and multi-family recycling seminars**
- **Limited multi-media education campaign**
- **Brochure for businesses and organizations during events, seminars and site visits**



Compliance

- Enforcement of Bill 41-14 is performed on a complaint-basis only
- All complaints investigated
- Specific information provided by Investigators to each of the businesses; additional research/assistance provided if needed
- Verbal warnings, if warranted, given
- Follow-up visits conducted to ensure compliance
- Notices of Violation (NOV) and Citations have been issued
- Compliance has been achieved in all but one case which began recently and is pending

