



# EXPANDED POLYSTYRENE REGULATIONS

January 23, 2020  
Eric Heil,  
Town Manager

EPS Regulations  
January 23, 2020



# WHY ?!?

Doesn't Avon have better things to do than ban expanded polystyrene?

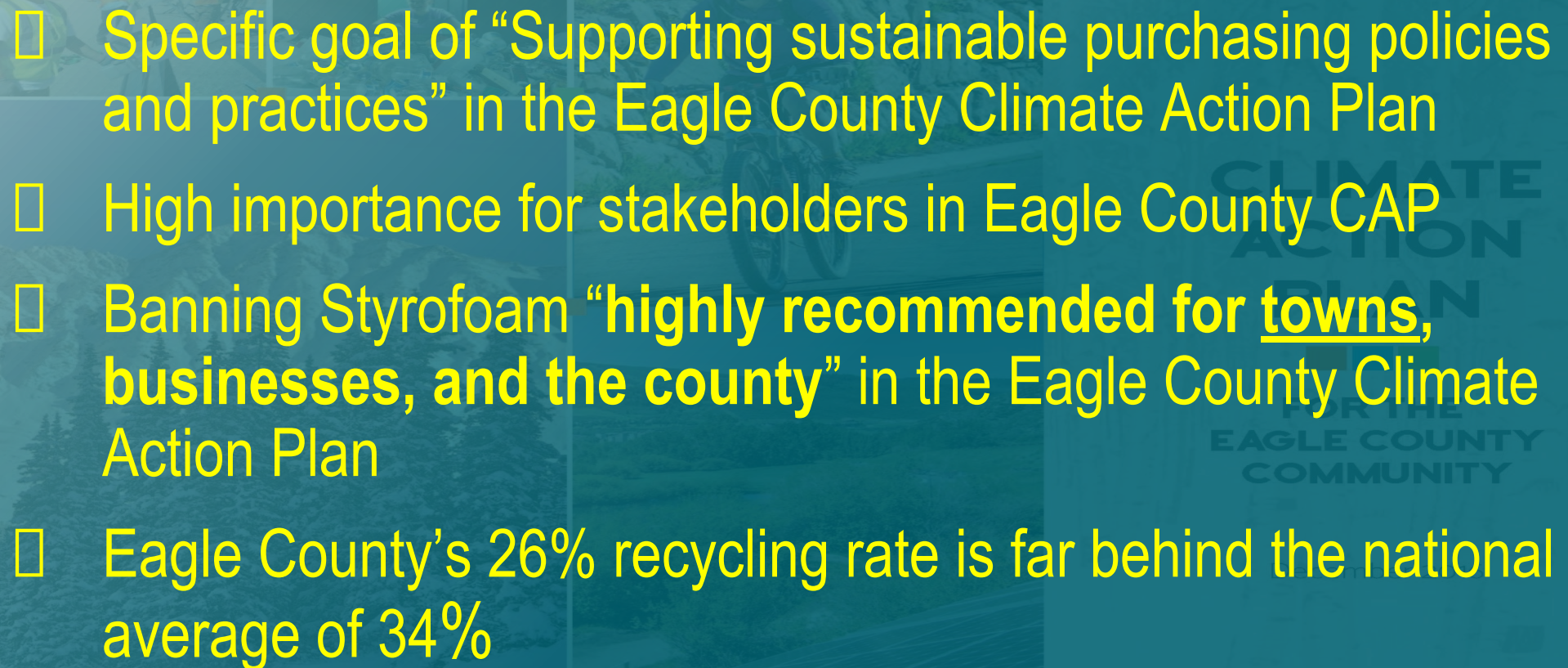




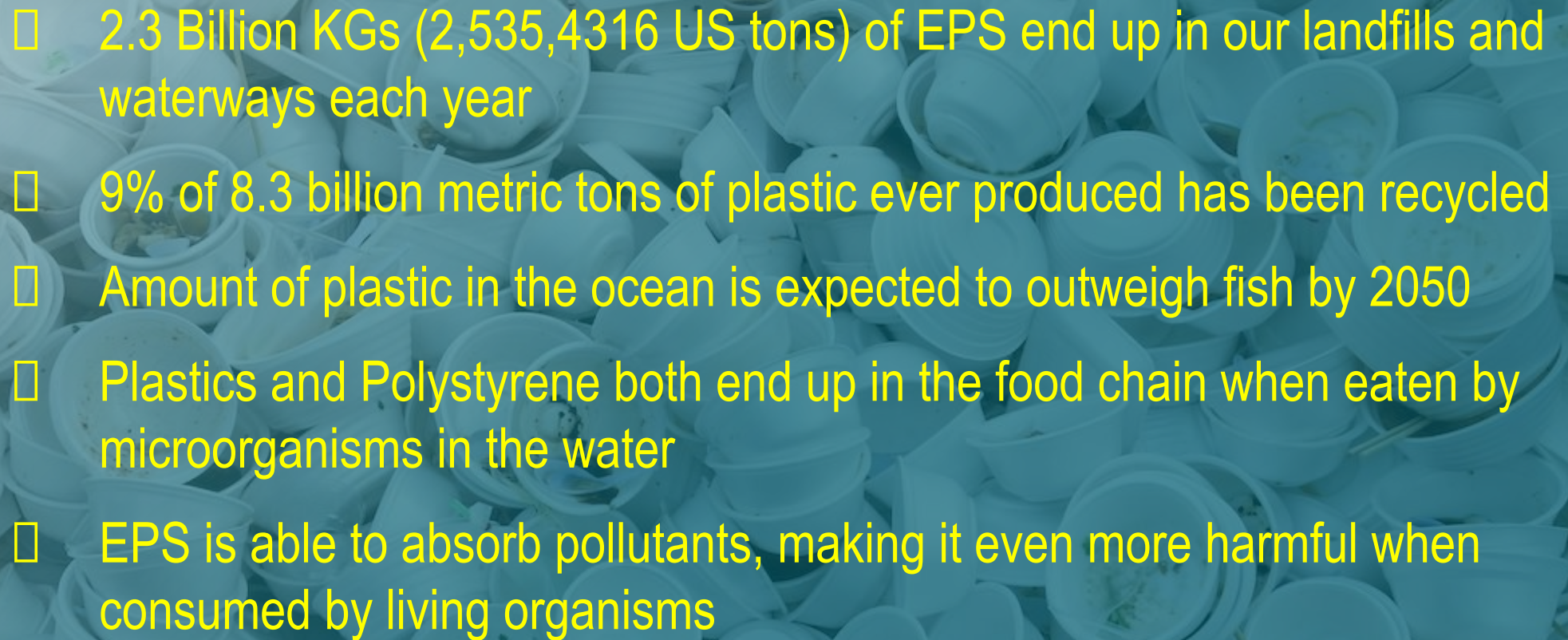
# Climate Action Plan

- Based on 2014 County Wide base level of Green House Gas emission
- 25% Green House Gas emission reduction by 2025



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- ❑ Specific goal of “Supporting sustainable purchasing policies and practices” in the Eagle County Climate Action Plan
  - ❑ High importance for stakeholders in Eagle County CAP
  - ❑ Banning Styrofoam “**highly recommended for towns, businesses, and the county**” in the Eagle County Climate Action Plan
  - ❑ Eagle County’s 26% recycling rate is far behind the national average of 34%



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- ❑ 2.3 Billion KGs (2,535,4316 US tons) of EPS end up in our landfills and waterways each year
  - ❑ 9% of 8.3 billion metric tons of plastic ever produced has been recycled
  - ❑ Amount of plastic in the ocean is expected to outweigh fish by 2050
  - ❑ Plastics and Polystyrene both end up in the food chain when eaten by microorganisms in the water
  - ❑ EPS is able to absorb pollutants, making it even more harmful when consumed by living organisms





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# Recyclability

- ❑ Costs \$3000 USD to recycle a single ton of Styrofoam – 3 million tons are produced each year [**that's \$9 BILLION!!**]
- ❑ Less than 1% of EPS is recycled each year
- ❑ EPS is comprised of 98% air, difficult to store and ship
- ❑ EPS recycling is in Denver

1-5  
years



80-100  
years



500  
years to  
forever

2-6  
weeks



**Some polystyrene  
takes 500 years to  
biodegrade... and  
some never does.**



# Maine – 1<sup>st</sup> state to ban EPS in May, 2019

## Maryland is a close 2<sup>nd</sup>

NYC, DC, and San Francisco have all implemented a ban on the possession, sale, or offering of Styrofoam on single use Styrofoam and even packing peanuts

*List of cities with a full or partial ban on Styrofoam*

Takoma Park, MD

Seattle, Washington

Washington DC

Miami Beach, FL

Freeport, Maine

# Ordinance No. 19-11

## *SUMMARY:*

- ☐ Only for prepared food containers
- ☐ Applies to food vendors who sell prepared food at retail level
- ☐ Does not include straws, utensils, cup lids, or disposable packaging for unprepared foods (e.g. raw meats)
- ☐ Ord No. 19-11 is contingent upon repeal of State prohibition



# Ordinance No. 19-11

Passed on First Reading on November 19, 2019

Community outreach included:

1. Press Release on October 1, 2019
2. Letter to Food Vendors October 7, 2019
3. Information on Town Initiatives Page on Website

Council approved strict vendor guidelines for catering and food sales at all Town events to prohibit EPS food containers

**Cost of Compostable Containers are 2Xs to 3Xs+ the Cost of Polystyrene and Plastic Containers**

## Product Cost Comparison

Product	Polystyrene/Plastics (Average of 2 websites)	Biodegradable/Compostable (Average of 2 websites)
<b>9x9x3 Hinged Three Compartment Container (Clamshell)</b>	\$20.63 per 200 \$0.10 per unit	\$112.93 per 300 \$0.38 per unit
<b>9" 1-Compartment Plate</b>	\$23.45 per 500 \$0.05 per unit	\$112.22 per 1,000 \$0.11 per unit
<b>16 oz Cold Cup</b>	\$51.23 per 1,000 \$0.05 per unit	\$123.13 per 1,000 \$0.12 per unit
<b>16 oz Hot/Cold Cup</b>	\$57.12 per 1,000 \$0.06 per unit	\$130.27 per 1,000 \$0.13 per unit
<b>12 oz Hot Bowl</b>	\$32.50 per 1,000 \$0.03 per unit	\$85.63 per 1,000 \$0.08 per unit



# American Chemistry Council comments:



1. Polystyrene foam production has smaller footprint to manufacture than alternative compostable products
2. Polystyrene is a very small component of litter
3. Polystyrene offers a low cost, high performance (insulation) ideal for food service establishments
4. Colorado state law (§ 25-17-104, C.R.S.)

# Senate Bill 20-010

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0179.01 Megan Waples x4348

SENATE BILL 20-010

SENATE SPONSORSHIP

Donovan, Gonzales, Story

HOUSE SPONSORSHIP

Froelich and Valdez A.,

Senate Committees  
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING A REPEAL OF THE PROHIBITION OF LOCAL GOVERNMENT  
102 REGULATION OF PLASTICS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill repeals language that prohibits local governments from banning the use or sale of specific types of plastic materials or restricting or mandating packaging or labeling of any consumer products.

1 Be it enacted by the General Assembly of the State of Colorado:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

1 SECTION 1. In Colorado Revised Statutes, repeal 25-17-104 as  
2 follows:

3 25-17-104. Local government preemption. No unit of local  
4 government shall require or prohibit the use or sale of specific types of  
5 plastic materials or products or restrict or mandate containers, packaging,  
6 or labeling for any consumer products:

7 SECTION 2. Act subject to petition - effective date. This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2020 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.

# Senate Bill 20-010

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## A BILL FOR AN ACT

101    **CONCERNING A REPEAL OF THE PROHIBITION OF LOCAL GOVERNMENT**  
102    **REGULATION OF PLASTICS.**

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3            **25-17-104. Local government preemption.** ~~No unit of local~~  
4   ~~government shall require or prohibit the use or sale of specific types of~~  
5   ~~plastic materials or products or restrict or mandate containers, packaging,~~  
6   ~~or labeling for any consumer products.~~



# Chapter 8.40

- Defines Food Vendor, Polystyrene Foam, Prepackaged Food and Prepared Food
- Prohibits Use of Polystyrene Foam
- Exempts “Prepackaged Foods” and coolers and ice chests

## CHAPTER 8.40 POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE

### Section 8.40.010 Definitions.

### Section 8.40.020 Prohibited use of polystyrene foam disposable food service ware.

### Section 8.40.030 Exemptions.

### Section 8.40.040 Violation.

### Section 8.40.050 Administrative fines.

#### 8.40.010 DEFINITIONS. For the purposes of this chapter, the following terms have the following meanings:

(a) **“Disposable food service ware”** means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. This includes, but is not limited to, plates, cups, bowls, trays and hinged or lidded containers, also known as clamshells. This does not include straws, utensils, or cup lids nor does it include disposable packaging for unprepared foods.

(b) **“Food vendor”** means any vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level.

(c) **“Polystyrene foam”** means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation) that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this Article, the term “polystyrene” shall not include clear polystyrene known as “oriented polystyrene.”

(d) **“Prepackaged food”** means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

(e) **“Prepared food”** means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared. Prepared food does not include eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration. Prepared food may be consumed either on or off the premises.

#### 8.40.020 PROHIBITED USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE.

No food vendor shall use polystyrene foam disposable food service ware when providing prepared food.

#### 8.40.030 EXEMPTIONS. The following uses are exempt from the provisions of this chapter:

(a) Prepackaged food; and

(b) Polystyrene foam coolers and ice chests intended for reuse.

**8.40.040 VIOLATIONS AND PENALTIES.** Any person violating any of the provisions of this Chapter shall be deemed to have committed a civil infraction for each and every day or portion thereof during which any infraction is committed, continued or permitted and shall be subject to the penalties contained in Chapter 1.09 of this Code.

# Time to get on the EPS “ban”wagon?



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# EXPANDED POLYSTYRENE REGULATIONS

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