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An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1652-A is enacted to read:

§ 1652-A. Disposable food service containers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compostable" means material that will undergo degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds and biomass at a rate consistent with other materials that undergo degradation by biological processes and leave no visible, distinguishable or toxic residue, including no adverse impact on the ability of compost to support plant growth once the compost is placed in soil.

B. "Disposable food service container" means a container, bowl, plate, tray, carton, cup, lid or other item designed for one-time use for prepared foods. "Disposable food service container" includes service ware for take-out foods and leftovers from partially consumed meals prepared by food vendors, but does not include items composed entirely of aluminum, recyclable service ware or polystyrene foam coolers and ice chests that are intended for reuse.

C. "Polystyrene foam" means blown polystyrene and expanded foams using a styrene monomer.

D. "Recyclable" means material that would otherwise be disposed of or processed as waste that can be recovered, separated, collected and reprocessed for the purpose of using the reprocessed material in the manufacture of a new product.

2. Prohibition. Notwithstanding section 1654, beginning January 1, 2016, a person may not sell or distribute, at retail or wholesale, in the State a disposable food service container:

A. That is composed in whole or in part of polystyrene foam; or

B. That is not recyclable or compostable, unless there is no recyclable or compostable product available at a comparable cost as determined by the department in rules adopted pursuant to subsection 3.

3. Rules. The department shall adopt rules to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

The purpose of this bill is to protect the environment and wildlife of the State and to reduce the increasing costs of litter collection and solid waste disposal by prohibiting the sale or distribution of disposable polystyrene food service containers, which constitute a sizable portion of nondegradable litter and solid waste in the State and which fragment into smaller, nondegradable pieces that may harm marine life and other wildlife through ingestion.

Beginning January 1, 2016, this bill prohibits the sale or distribution, at retail or wholesale, in the State of disposable food service containers composed in whole or in part of polystyrene foam, as well as disposable food service containers that are not recyclable or compostable unless there is no recyclable or compostable product available at a comparable cost. This bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.