

## SINGLE-USE PACKAGING AND PLASTIC WASTE REDUCTION LAWS



### SUMMARY

Publicity around the ocean plastics crisis and disruptions in global recycling markets resulting from China's National Sword policy has brought heightened awareness and attention to disposable plastic packaging. This anti-plastic movement led to a wave of states enacting laws focused on the targeted management of problematic materials like mismanaged plastics and single-use items (e.g., plastic carryout bags, foam food service containers, plastic straws).

Legislation began with a focus on plastic carryout bags. Next, state-level regulations started targeting other single-use plastic items such as utensils, containers, straws and expanded polystyrene (EPS) food service ware. Further legislation restricting single-use plastics can be expected.

Some states are considering extended producer responsibility (EPR) as a management tool for packaging (inclusive of plastic packaging), in addition to other single-use plastic legislation approaches. While not all the regulations impact retailers, they are indicative of the increasing legislative momentum around single-use plastics.

This fact sheet summarizes state-level single-use plastic packaging restrictions across the U.S. For information about plastic bag legislation or extended producer responsibility laws (EPR), please visit RILA's legislative resources pages:

- [Consumer Bag Tracking Matrix](#) - provides an overview of consumer bag legislation across the United States by state and/or municipality, as applicable, for both paper and plastic bags.
- [Consumer Bag FAQ](#) - details common questions posed by retailers on consumer bag legislation and provides suggested resources as guidance.
- [EPR Packaging Bills](#) - an overview of recently introduced state EPR packaging legislation.

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The table below summarizes state-level single-use plastics legislation. It is inclusive of all statewide laws but is not an exhaustive list of state laws that affect only certain counties or cities or laws that affect exclusively non-retail entities.

State	Law
California	<p><b>SB 54: EPS Foodware Recycling Rate Schedule</b></p> <p>Producers of expanded polystyrene food service ware shall not sell, offer for sale, distribute, or import in or into the state expanded polystyrene food service ware unless the producer demonstrates to the department that all expanded polystyrene meets the following recycling rates:</p> <p>At least 25% on and after January 1, 2025            At least 30% on and after January 1, 2028            At least 50% on and after January 1, 2030            At least 65% on and after January 1, 2032</p> <p><b>Materials Covered:</b> Expanded polystyrene food service ware  <a href="#">Link to Text</a></p>
California	<p><b>Rigid Plastic Packaging Container (RPPC) Program</b></p> <p>California's RPPC law was enacted in 1991 as part of an effort to reduce the amount of plastic waste in California landfills and to increase the use of recycled post-consumer plastic. The law mandates that product manufacturers that sell products in rigid plastic packaging containers meet one of the compliance options. Compliance options include use of postconsumer material, reduced container weight, product concentration, packaging that is reusable and refillable, or specified recycling rate.</p> <p><b>Materials Covered:</b> Plastic packaging containers (made entirely of plastic, relatively inflexible in shape or form, minimum capacity of eight ounces up to a maximum capacity of 5 gallons, capable of a least one closure, holds a product that is sold or offered for sale in California)</p> <p><b>Note:</b> This law applies to manufacturers and brand owners, which may include retailers with private label products.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
California	<p><b>Straw Ban</b></p> <p>Prohibits dine-in restaurants from automatically providing plastic straws to customers.  <a href="#">Link to Text</a></p>
Colorado	<p><b>EPS Takeout Container Ban</b></p> <p>Prohibits retail food establishments from distributing expanded polystyrene containers beginning January 1, 2024. The retail food establishment may deplete any remaining inventory of the expanded polystyrene products purchased before January 1, 2024 for use as containers for ready-to-eat food in the state.</p> <p><b>Materials Covered:</b> EPS Takeout containers  <a href="#">Link to Text</a></p>

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<p>District of Columbia</p>	<p><b>EPS Foam and Plastic Straw Ban</b>          Bans the use of disposable food service ware made of expanded polystyrene and other products that cannot be recycled or composted, including restrictions on the use of single-use plastic straws and stirrers.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p> <p><b>Food Service Ware Requirement</b>          Requirements for restaurants and other food-serving institutions to use compostable and recyclable food service ware.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
<p>Maine</p>	<p><b>Polystyrene Foam Food Service Container Ban</b>          Food establishments (including most stores, food packing facilities, and home meal delivery businesses) can no longer use polystyrene foam food service containers.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
<p>Maryland</p>	<p><b>Expanded Polystyrene Food Service Products – Prohibitions</b>          Prohibits the sale of expanded polystyrene products in the state.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
<p>New Jersey</p>	<p><b>Polystyrene Loose Fill Packaging Ban</b>          Prohibits the sale of polystyrene loose fill packaging in the state beginning in 2024.</p> <p><b>Materials Covered</b>          Polystyrene loose fill packaging  <a href="#">Link to Text</a></p>
<p>New Jersey</p>	<p><b>EPS Takeout Container Ban</b>          Beginning May 2022, prohibits provision or sale of single-use plastic carryout bags, single-use paper carryout bags, and polystyrene foam food service products; limits provision of single-use plastic straws.</p> <p><b>Materials Covered</b>          EPS Takeout containers, Plastic Straws, plastic carryout bags, paper carryout bags  <a href="#">Link to Text</a></p>
<p>New York</p>	<p><b>Foam Ban</b>          Under the Expanded Polystyrene Foam Container and Polystyrene Loose Fill Packaging Ban, effective January 1, 2022, no covered food service provider or store (retail or wholesale) in New York is allowed to sell, offer for sale, or distribute disposable food service containers that contain expanded polystyrene foam. In addition, no manufacturer or store will be allowed to sell, offer for sale, or distribute polystyrene loose fill packaging (commonly referred to as packing peanuts) in the state.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
<p>Oregon</p>	<p><b>Plastic Straw Ban</b>          Prohibits restaurants from providing single-use plastic straw to consumer unless the consumer requests a straw. Provides for enforcement with fines.  <a href="#">Link to Text</a>   <a href="#">Agency Info (N/A)</a></p>

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<p>Rhode Island</p>	<p><b>Promotion of Paper Bag Use – Prohibited Practices</b>          Requires any retail establishment that provides plastic bags to consumers to also provide paper bags at no additional charge. If only paper bags are provided, no other optional bags are required.  <a href="#">Link to Text</a>   Agency Info (N/A)</p> <p><b>Recycling Containers for Plastic Bags</b>          Any retail establishments with conveyance of goods or food in excess of eight million dollars annually or with over 10,000 square feet of retail space much provide receptacles in which customers can recycle dry plastic film bags, including film grocery sacks, plastic film shopping bags, dry cleaner film, fresh produce bags, and newspaper sleeves.  <a href="#">Link to Text</a>   Agency Info (N/A)</p> <p><b>Beverage Container Recyclability</b>          Requires that all beverage distributors in the state sell beverages only in containers that have achieved a 50% recycling rate, ensuring they are free of any design components that make them less recyclable and free of any design components that are added or substituted for existing recycling containers.  <a href="#">Link to Text</a>   Agency Info (N/A)</p>
<p>State</p>	<p>Law</p>
<p>Vermont</p>	<p><b>Single-Use Products – Updates to Vermont's Universal Recycling Law</b>          In addition to restrictions on plastic and paper carryout bags, this law prohibits retailers and food establishments from providing customers with the following single-use plastic items: plastic straws (can be given upon request of the customer), plastic stirrers for beverages, and expanded polystyrene (commonly called Styrofoam) food and beverage containers like cups and containers. Meat/fish packaging or food packaged out of state is exempt.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
<p>Virginia</p>	<p><b>Expanded Polystyrene Food Service Container Ban</b>          Prohibits food vendors of prepared food from dispensing food to customers in single-use expanded polystyrene food service containers. The bill requires certain chain restaurants to stop using such containers by July 1, 2023 and sets the date for compliance by all food vendors as July 1, 2025.  <a href="#">Link to Text</a>   <a href="#">Agency Info</a></p>
<p>Washington</p>	<p><b>Single-Use Plastics Restrictions</b>          Bans the manufacture, sale, and distribution of certain expanded polystyrene products, including packing peanuts, foam plastic coolers and foodservice ware (i.e., cups, plate, bowls and clamshell containers). Bans dining establishments from offering single-use plastic utensils, straws, cold-beverage cup lids and condiment packaging unless requested by customers.  <a href="#">Link to Text</a>   Agency Info (N/A)</p>

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## Local Laws

Notable local-level legislation governing the use of single-use plastic items are summarized below. Note that this list is not comprehensive.

Seattle, Washington	<b>Single-use Plastic Straw and Utensil Ban</b> Prohibits use of plastic utensils and plastic straw food service ware. <a href="#">Link to Text</a>   <a href="#">Agency Info</a>
New York City	<b>Foam Food Service Article Ban</b> Food service establishments, stores, and manufacturers may not possess, sell, or offer for use single-service Expanded Polystyrene (EPS) foam food service articles or loose fill packaging, such as "packing peanuts" in New York City. <a href="#">Link to Text</a>   <a href="#">Agency Info</a>

**Disclaimer:** Information in the tables above is meant to be a reference tool and may not be exhaustive of all legislation in the U.S. The information provides a summary and does not convey all aspects of legislated requirements. For example, the summaries do not necessarily include definition of terms, information on outreach and education requirements, penalties and enforcement, reporting, or instructions on how to comply. Links to legislation are accurate as of the date of this publication. Retailers should reference official agency resources and/or the appropriate legislative documents for comprehensive guidance.

Prepared by RRS. Founded in 1986 and headquartered in Ann Arbor, Michigan, RRS is a sustainability and recycling consulting firm that strives to create a world where resources are managed to maximize economic and social benefit while minimizing environmental harm.

The firm has industry professionals, engineers, economists, technical analysts, and communication specialists who share this vision and possess core strengths in materials and recovery, life cycle management, applied sustainable design, and collaborative action development.



### ABOUT THE RETAIL COMPLIANCE CENTER

The Retail Compliance Center (RCC) provides resources on environmental compliance and sustainability for all types and sizes of retailers. The RCC's goal is to develop retail-specific resources, tools and innovative solutions to help companies cost-effectively improve their compliance and environmental performance.

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