



## Maryland Ban on EPS Ban for Businesses: Business Outreach Brochure

### Scope

#### **Requirements of Maryland Ban on Expanded Polystyrene (EPS) Products**

The 2019 Maryland General Assembly passed legislation – House Bill 109 ([HB 109](#) or [Chapter 579](#)) – prohibiting businesses and institutions from selling or providing certain EPS products in the state, effective July 1, 2020.



#### **Prohibition**

The legislation prohibits the sale or offer for sale in the state of EPS food service products on or after July 1, 2020. Food service businesses or schools may not sell or provide food or beverages in an EPS food service product after that date. The legislation does not prohibit a person from storing a food service product for later distribution outside the state.

#### **Public Education and Outreach**

HB 109 also requires the Maryland Department of the Environment (MDE) to conduct a public education and outreach campaign before and during the implementation of the legislation. This public education and outreach campaign shall include:

- ◆ Contact with food service businesses, in consultation with relevant units of county government and relevant trade organizations;
- ◆ Contact with schools, in consultation with the Maryland State Department of Education;
- ◆ Distribution of information through state internet and web-based resources; and
- ◆ News releases and news events.

MDE has contacted hundreds of stakeholders, has developed a Frequently Asked Questions ([FAQ](#)) handout, and created an EPS Food Service Products Ban [webpage](#). MDE is also required to conduct a public education and outreach antilittering campaign.

#### **Waiver**

A waiver is available from MDE for a period of up to 1 year if MDE determines that achieving compliance under this law would present an undue hardship or a practical difficulty not generally applicable to other food service businesses or schools in similar circumstances.

#### **Enforcement**

In Carroll County, the [Carroll County Health Department](#) will enforce this law. The Health Department may impose a penalty not exceeding \$250 on a person or food service business that violates this law. A penalty may not be imposed unless (1) the Health Department first issues a written notice of violation to the person or the food service business, and (2) the violation is not corrected within 3 months of receipt of the written notice. The Health Department shall notify MDE of any violation.

### **Terms Related to EPS**

EPS and several key, related terms are defined in HB 109. These terms are specific to Maryland and the legislation and, therefore, are important to understanding how to comply with the law.

**Expanded Polystyrene** means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion–blow molding (extruded foam polystyrene).

**Expanded Polystyrene Food Service Product** means a product made of EPS that is (1) used for selling or providing food or beverages AND (2) intended by the manufacturer to be used once for eating or drinking OR generally recognized by the public as an item to be discarded after one use. An EPS food service product includes:

- ◆ food containers;
- ◆ plates;
- ◆ hot and cold beverage cups;
- ◆ trays; and
- ◆ cartons for eggs or other food.

EPS food service products, for purposes of this ban, do not include:

- ◆ food or beverages that have been packaged in EPS containers before receipt by a food service business;
- ◆ a product made of EPS that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or
- ◆ nonfoam polystyrene food service products.

**Food Service Business** includes a business or institutional cafeteria, including a cafeteria operated by or on behalf of the state or a local government. A **School** includes a public elementary or secondary school, a nonpublic elementary or secondary school, and an institution of higher education, as defined in §10-101(H) of the Education Article.

A **Unit of County Government** includes a local health department or a local environmental department.

### **Overall Task:**

The EAC will research more detailed information related to EPS and how to comply with the law. The EAC will coordinate with the Carroll County Health Department on content and prepare a brochure that offers information more specific to Carroll County.

### **Work Product:**

A brochure will tentatively include information about the law, prohibited products, how to comply, violations and penalties, and possible alternative products or actions. The brochure will be provided to the Health Department for use in contact with local businesses. The brochure will also be made available online.

### **Timeline:**

Completion anticipated before July 1, 2020.