

AN ACT

D.C. ACT 23-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 27, 2020

To amend Subtitle A of Title IV of the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of expanded polystyrene food service products, expanded polystyrene containers, and expanded polystyrene packaging.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Polystyrene Food Service Product and Packaging Prohibition Amendment Act of 2020”.

Sec. 2. Subtitle A of Title IV of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 8-1531) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) “Expanded polystyrene container” means a container, such as a cooler or ice chest, made of expanded polystyrene that is not wholly encapsulated or encased within a more durable material.”.

(2) A new paragraph (3A) is added to read as follows:

“(3A) “Expanded polystyrene packing material” means material, such as packing peanuts, made of expanded polystyrene used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.”.

(3) A new paragraph (6) is added to read as follows:

“(6) “Retailer” means a person engaged in retail sales in the District.”.

(b) Section 402 (D.C. Official Code § 8-1532) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

“(2) By January 1, 2021, no retailer shall sell or offer for sale an expanded polystyrene food service product, expanded polystyrene container, or expanded polystyrene packing material.”.

ENROLLED ORIGINAL

(2) Subsection (b) is amended by striking the phrase "Subsection (a)" and inserting the phrase "Subsection (a)(1)" in its place.

Sec. 3. Fiscal impact statement.

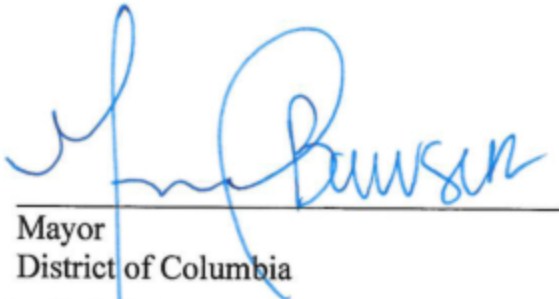
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 27, 2020



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B23-0191**

ITEM ON CONSENT CALENDAR

ACTION & DATE

FIRST READING CC, Jan 7, 2020

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

SILVERMAN

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman				X
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

2-11-20

Date

Docket No. **B23-0191**

ITEM ON CONSENT CALENDAR

ACTION & DATE

FINAL READING CC, Feb 4, 2020

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Grosso	X				T. White	X			
Allen	X				McDuffie	X				Todd	X			
Bonds	X				Nadeau	X								
Cheh	X				R. White	X								
Gray	X				Silverman	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

2-11-20

Date

[Mayor Muriel Bowser](#)

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District Foam Ban Takes Effect January 1, 2016

Wednesday, December 30, 2015

Starting January 1, 2016, District businesses and organizations that serve food will no longer be able to use containers or other food service products made of expanded polystyrene, commonly known as foam or Styrofoam™. Passed by the DC Council in June 2014, the ban will reduce trash pollution in the District's waterways. Foam litter is consistently one of the most prevalent types of trash pollution in the Anacostia River.

"Foam is easily blown by wind or washed by rain into our storm drains and waterbodies," said Department of Energy and Environment (DOEE) Director Tommy Wells. "Over time, foam litter breaks into small pieces that are difficult to remove from the environment and are harmful when eaten by wildlife. Other pollutants like oil, grease, and heavy metals can adhere to these small pieces, causing the contaminants to bioaccumulate in the food chain. The foam ban is an important part of the District's ongoing efforts to reduce litter in our communities and to restore our rivers and waterbodies."

Another provision of the law requires businesses and organizations to only use recyclable or compostable disposable dining products by 2017, which will help the District achieve its [Sustainable DC Plan](#) goal of 80% waste diversion by 2032.

To ease the transition, DOEE has conducted an extensive outreach campaign to educate businesses and organizations about the requirements of the ban. Efforts include door-to-door canvassing across all eight wards,

mailings to all regulated businesses, and a web page with information about the ban and a list of vendors that sell compliant products.

For further information on the [District's foam ban](#).

CONTACT: Julia Robey Christian, PIO: 202.741.0842 desk | 202.450.7878 cell | julia.christian@dc.gov

Foam Free DC



The District has banned the use of food service products made of expanded polystyrene. [Read More>>](#)

Our Last Straw



Mayor Bowser Joins Our Last Straw Coalition to Say No to Plastic Straws. Businesses, Nonprofits, Individuals, and DC Government Unite in the Effort to Reduce Plastic Waste in the District. [Read More>>](#)

Get RiverSmart



RiverSmart programs offer incentives for reducing stormwater pollution.

Skip the Bag - Save the River



District businesses selling food or alcohol are required to charge \$.05 for each disposable paper or plastic carryout bag. Find out about [DC's Bag Law](#).

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