

Polystyrene and Food Containers with PFAS Prohibition Fact Sheet



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

During the 2023 legislative session the Oregon legislature passed [Senate Bill 543](#) relating to polystyrene and food containers with perfluoroalkyl or polyfluoroalkyl substances (PFAS).

Effective January 1, 2025

Food vendors may not use a polystyrene foam container in **sales of prepared food**.*



A person is prohibited from **selling or distributing**

- polystyrene foam containers,
- polystyrene foam packaging peanuts,
- single-use polystyrene coolers, or
- foodware containers containing intentionally added PFAS.



Who is considered a “food vendor”? Under Senate Bill 543, a “food vendor” is a business, organization, or person that sells or offers prepared food to the public. Examples include a store, shop, other sales outlet, restaurant, delicatessen, cart, truck, or vehicle from which the business, organization, or person sells prepared food or offers prepared food for sale.

What is a “polystyrene foam container”?

Under Senate Bill 543, a “polystyrene foam container” is

- a cooler or foodware container that is made of polystyrene plastic foam;
- made for the purpose of serving, containing, or consuming prepared food; and
- ordinarily used once before being discarded.

A polystyrene foam container is not

- a cooler or container intended for more than one use and is enclosed by a solid shell;
- a tray or container used solely to store, ship, or otherwise transport ingredient or food product that is not prepared food; or
- a polystyrene plastic material, other than polystyrene foam packaging peanuts, that is used solely for packing or protecting other items during storage, shipping, or other transportation.

What is “prepared food”? Under Senate Bill 543, “prepared food” is food or beverage prepared for the purpose of selling to the public and can be consumed immediately or without the need for additional preparation.

What is a “foodware container”? Under Senate Bill 543, a “foodware container” includes bowls, plates, cups, lids, clamshells, and other containers or items used for serving or containing prepared food, including takeout food and leftovers from partially consumed meals prepared by food vendors.

Senate Bill 543 authorizes DEQ to impose a civil penalty of no more than

\$100 per day for a food vendor using a polystyrene foam container in selling, offering for sale, serving, or dispensing prepared food to a consumer.

\$500 per day for the violation of selling polystyrene foam containers, polystyrene foam packaging peanuts, or foodware container containing intentionally added PFAS.

What are alternative containers? Senate Bill 543 did not require specific alternative containers to be used. A legislative workgroup met during the 2023-2024 interim and identified resources about alternative containers and Surfrider Foundation's [Ocean Friendly Foodware Guide](#) and the Oregon Food Serviceware Guide.

* Food vendors should also check with their local jurisdiction to learn about related city ordinances.

Legislative Policy and Research Office

Oregon State Capitol | (503) 986-1813 | www.oregonlegislature.gov/lpro

Date

August 29, 2024

The Legislative Policy and Research Office (LPRO) provides centralized, nonpartisan research and issue analysis for Oregon's legislative branch. LPRO does not provide legal advice. LPRO publications contain general information that is current as of the date of publication. Subsequent action by the legislative, executive, or judicial branches may affect accuracy.