Polystyrene Foam
Questions and Answers

# What are the laws in Oregon?

Oregon Revised Statute 336.445 and Oregon Administrative Rules 581-051-0350 to OAR 581-051-0365 are the laws that guide school districts on what is allowable for the use of polystyrene (PS) foam in meal services. Basically, these laws require all school districts that provide breakfast or lunch to eliminate polystyrene food service products by July 1, 2021 unless certain conditions are met for a financial hardship, they have previously purchased products (prior to SY 2022), or the district is recycling the foam. These laws are widespread, including all school districts across Oregon regardless of their involvement in the federal Child Nutrition Programs, all times of the day, and all areas of the districts’ campuses.

# What do I need to avoid?

Polystyrene (PS) can come in many shapes and forms.

* This statute and rules only address polystyrene foam;
	+ NOT film forms;
	+ NOT solid or clear plastic forms.
* The types of foam could be expanded polystyrene (EPS) or extruded polystyrene (XPS).
* Polystyrene can be identified by the resin identification code of #6 as seen above, and this symbol is often located on the bottom of containers.

# What can I use instead of polystyrene foam?

Food service wares allowed in Oregon can be made of any other material that is available to the district. Some materials available are:

* **Reusable Polypropylene Containers** – a durable, synthetic resin construction for multiple-use applications.
* **Post-Consumer Paperboard** – has the durability of paperboard construction, which may have a lower environmental footprint.
* **Polyethylene terephthalate (PET) Plastic** - is flexible, lightweight, and generally recyclable.
* **Paper/Double Poly Coated Paper** - are durable and moisture resistant.
* **Sugarcane/Bagasse** - is a byproduct of sugarcane processing and is fibrous material designed with grease-resistant properties.
* **Polylactic acid (PLA) Plastic** – is a plant-derived plastic made from fermented plant starches.

Many decisions may lead a district to purchase one product over another, or change their system entirely to include the use of durable reusable products. The bottom line is that all materials have impacts, comparisons between different materials is complicated, and making decisions based on single attributes can, in some cases, lead to poorer outcomes environmentally or otherwise. The Oregon Department of Environmental Quality [has reported](https://www.oregon.gov/deq/FilterDocs/FoodLCAreport.pdf) that single use materials have similar levels of environmental impacts so they strongly recommend defaulting to reusable and buying durable items when possible.

# What about compostable materials?

While some materials are marketed as being compostable or biodegradable, they may not be accepted by the facility that processes waste into compost. Districts will need to check with the facility in their area, which is generally the refuse hauler. The Oregon Department of Environmental Quality (DEQ) has published this information from composter representatives:

* “Compostable” packaging and service ware items have been on the rise for the past decade and they are increasingly ending up in our facilities. These materials compromise our composting programs and limit many of the environmental benefits of successful composting.

The full list of the reasons why “compostable” items are generally not acceptable or discouraged for composting facilities in Oregon can be found at:

* English <https://www.oregon.gov/deq/mm/Documents/MessagefromComposter-En.pdf>
* Spanish <https://www.oregon.gov/deq/mm/Documents/MessagefromComposter-Sp.pdf>

# How do I recycle foam?

Generally, organizations across Oregon that accept foam are accepting the clean and dry packing foam, not food service foams. Districts will need to check with a facility in their area to confirm the types of foam accepted. To start the process to recycle foam food service wares, a unique, though costly, appliance would have to be purchased and a contract made with a company that would accept the material after it is condensed down in that appliance. Those products are sent to the company that accepts this densified foam where they are made into liquid resin. The resin can be recycled into new items like picture frames or paving bricks. While recycling polystyrene is allowable under the statute and the rules, there is currently only one organization in Tigard, Oregon that performs the final step of resin conversion for recycling polystyrene foam.

# Is there financial help for my district?

The statute and rules allow for a financial hardship for districts to waive the prohibition of polystyrene foam. The application requires submission of documented proof of a hardship, and the applicant district must be approved by the Oregon Department of Education on a yearly basis. Instructions and a link to the online form to submit an application can be found on this webpage: <https://www.oregon.gov/ode/students-and-family/childnutrition/SNP/Pages/SNPGuidance.aspx>

Districts that are sponsors of the National School Lunch Program may be able to receive grants such as the:

* Equipment Assistance Grant <https://www.oregon.gov/ode/students-and-family/childnutrition/SNP/Pages/Grants.aspx>
* Fuel Up to Play 60 via Oregon Dairy and Nutrition Council
	+ <https://odncouncil.org/category/fuel-up-to-play-60/>
	+ <https://www.fueluptoplay60.com/funding/general-information>

Funding for larger projects such as kitchen redesign may be available through these organizations:

* Oregon Department of Energy:
	+ Schools and Public Buildings <https://www.oregon.gov/energy/energy-oregon/Pages/Schools-and-Public-Buildings.aspx>
* Energy Trust of Oregon - Commercial <https://www.energytrust.org/commercial/>

# Where can I learn more information?

## Oregon Department of Environmental Quality

The DEQ Materials Management webpage contains a multitude of information in regards to environmental concerns. <https://www.oregon.gov/deq/mm/Pages/default.aspx>. They have a webpage where they have compiled information to address packaging attributes that will provide information about some terms that are used for packaging materials: <https://www.oregon.gov/deq/mm/production/Pages/Materials-Attributes.aspx>

## Center for Environmental Health

* <https://ceh.org/> in Oakland, CA
* Ditching Disposables: Healthier Foodware in K-12 Schools (Webinar and Toolkit)
	+ <https://www.youtube.com/watch?v=ndyX9TMh-QM>
	+ <https://ceh.foleon.com/ceh/ditching-disposables-toolkit/ditching-disposables/>
* Short infographic: [*Healthier Food Serviceware Choices*](https://ceh.org/wp-content/uploads/2020/03/PFAS-in-foodware-infographic-2020.pdf)
* K-12 School Case Study: [Palo Alto Unified School District’s Switch to Reusable Food Service Ware](https://ceh.org/wp-content/uploads/2020/03/ReThinkDisposable_CaseStudy_PAUSD_2019web.pdf)

# Whom can I contact?

While this statute and the rules affect all school districts across Oregon regardless of their involvement in the federal Child Nutrition Programs, staff that are a part of these programs are currently managing the implementation of the laws. If you have any questions or need more information, please email the ODE School Nutrition Programs inbox at ode.schoolnutrition@ode.state.or.us with the subject line “Polystyrene."