**OAR 581-051-0350 Use of Polystyrene: Definitions**

The following definitions apply to OAR 581-051-0350 to OAR 581-051-0365.

(1) “Department” means the Oregon Department of Education.

(2) "Financial hardship" means a situation unique to the school district that would cause significant economic hardship to that district.

(3) “Polystyrene” means and includes expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes clear or solid polystyrene, which is known as “oriented polystyrene”.

(4) “Prepared foods and beverages” mean any food or beverage prepared for service using any cooking or food preparation technique. This does not include any raw foods unless those foods are ready to eat products.

(5) “Products” mean food and beverage service containers designed for single use including: hot and cold beverage cups, bowls, cartons, hinged "clamshell" containers, cups, lids, plates, trays, or any other product designed or used to temporarily store or transport prepared foods or beverages.

(6) “Recyclable material” has the same meaning as defined in ORS 459.005.

(7) “Recycling” has the same meaning as defined in ORS 459.005.

(8) “Reuse” has the same meaning as defined in ORS 459.005.

(9) “School district” has the same meaning as defined in ORS 330.005.

Statutory/Other Authority: ORS 336.445

Statutes/Other Implemented: ORS 336.445

**OAR 581-051-0355 Use of Polystyrene: Prohibited Use**

Beginning in the 2021-2022 school year, all school districts are prohibited from providing prepared foods and beverages in products made from polystyrene on school campuses except as provided in OAR 581-051-0360.

Statutory/Other Authority: ORS 336.445

Statutes/Other Implemented: ORS 336.445

**OAR 581-051-0360 Use of Polystyrene: Exemptions and Waivers**

The following are acceptable exemptions and waivers to the prohibited use of polystyrene:

(1) Recycling: If a district has developed a method for recycling polystyrene products, then the use is authorized.

(2) Previously Purchased Products and Contracts:

(a) If there are polystyrene products remaining in stock that were purchased prior to the 2021-2022 school year, the use is authorized until they are exhausted.

(b) If the district has contracted for the use of polystyrene products prior to the 2021-2022 school year, and cannot substitute polystyrene products for non-polystyrene products, the use is authorized through the end of the contract period.

(3) Financial Hardship Waiver Applications:

(a) Upon showing by a school district that the conditions of this rule would cause undue financial hardship, the Department may defer the prohibitions of this rule.

(b) If a school district is approved, the waiver is effective as of the date of application.

(c) School districts must:

(i) Apply for a waiver in the form and manner designated by the Department.

(ii) Include all information necessary for the Department to make its decision, including but not limited to, documentation showing the factual support for the claimed waiver.

(d) The Department must publish each year between July 1 and June 30th:

(i) Instructions for the waiver applications process, and

(ii) A list of school districts approved for waivers.

Statutory/Other Authority: ORS 336.445

Statutes/Other Implemented: ORS 336.445

**OAR 581-051-0365 Use of Polystyrene: Violations**

Any district found violating this rule must:

(1) Be provided technical assistance by the Department, and

(2) Submit a corrective action plan to the Department.

Statutory/Other Authority: ORS 336.445

Statutes/Other Implemented: ORS 336.445