

## **Sustainable Food Containers and Packaging Ordinance** **Effective September 4, 2023**

Last February, the Salem City Council passed an ordinance that restricts the use and sale of polystyrene (aka Styrofoam) products by all retail and food establishments in the City of Salem. With this action, Salem joins 56 cities and towns in Massachusetts, including the nearby communities of Marblehead, Manchester-by-the-Sea, Revere, Saugus and Ipswich. This information is being provided so that businesses may prepare and use up their existing supplies of non-compliant polystyrene products ahead of the September 4, 2023 effective date.

### **1) What is the Purpose of this Ordinance?**

The purpose of this ordinance is to protect public health and address environmental concerns related to polystyrene, such as promoting solid waste reduction, reducing greenhouse gas emissions, and protecting our marine life and waterways.

Styrofoam (Dow Chemical Co.) is the brand name for polystyrene, which is commonly used in food packaging such as takeout containers. Polystyrene is a non-biodegradable synthetic plastic that cannot be recycled. The chemical styrene can also leach from polystyrene containers into our food and beverages and was recently added to the National Toxicology Program's list of carcinogens (US Department of Health and Human Services).

Polystyrene is also hazardous to our oceans and marine life and has become a major source of plastic debris in the ocean. Animals often mistake it for food, which transfers the toxic chemicals to the food chain.

### **2) Which Businesses Will Be Affected by This Ordinance?**

All food establishments and retailers, including business or government entities that store, prepare, package, serve, sell, or provide food for consumption will no longer be allowed to use Styrofoam clamshell packaging for takeout orders or Styrofoam plates and cups for food service. Retailers of all sizes may not stock and/or sell Styrofoam packaging such as plates or cups. Grocers may not use Styrofoam trays for packaging meats or produce on-site. This does not include retailers or food establishments who receive products from distributors already packaged in polystyrene containers.

### **3) What Products Are Prohibited?**

Polystyrene products include containers commonly used for food packaging such as insulated cups, bowls, trays, clamshell containers, meat trays, egg cartons and foam

packing materials. The products are sometimes recognized by a No. 6 resin code on the bottom.

#### **4) What Products Are Allowed?**

The City of Salem strongly encourages food establishments to use reusable food service ware instead of disposable for all food served on the premises. For food served off-premises, or when reusable isn't feasible, disposable food service ware should be biodegradable, compostable, or recyclable.

#### **5) What Are the Penalties?**

This ordinance will be enforced by the Salem Board of Health. First offenses will result in a warning notice. Second offenses can incur fines of \$100.00 with subsequent offenses also incurring fines of \$100.00. Each day a violation continues counts as a separate offense.

#### **6. Who do I call with Questions?**

- For questions regarding the polystyrene ordinance, please contact Waste Reduction Coordinator Janelle Rolke at 978-619-5672 or by email at [jrolke@salem.com](mailto:jrolke@salem.com).
- For questions regarding enforcement, please contact the Salem Board of Health at 978-619-5654.
- For questions regarding legal concerns, please contact the City's Legal Department at (978) 619-5638.