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OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

MAR 14 2019

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a bill entitled the "Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019."

The legislation amends the Sustainable DC Omnibus Amendment Act of 2014 to further reduce the impacts of expanded polystyrene foam as litter in DC's neighborhoods and waterways. While currently expanded polystyrene foam food packaging may not be provided by food service establishments, this bill also prohibits the retail sale of these products. The bill also prohibits the sale of loose fill packaging, commonly known as packing peanuts.

With the passage of this bill, the District of Columbia will continue to address trash pollution in the Anacostia River as well as other District waterways and neighborhoods. Through this legislation, we reaffirm our commitment to a clean, safe, and healthy DC.


If you have any questions on this matter, please contact Julie Lawson, Director of the Mayor's Office of the Clean City, at 202-442-8150.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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6 A BILL
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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12 To amend the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of
13 expanded polystyrene food service and loose fill packaging.
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15 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this
16 act may be cited as the “Polystyrene Food Service and Loose Fill Packaging Prohibition
17 Amendment Act of 2019”.

18 Sec. 2. The Sustainable DC Omnibus Amendment Act of 2014, effective December 17,
19 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 *et seq.*), is amended as follows:

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

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

22 “(3A) Polystyrene loose fill packaging means void-filling packaging
23 product made of expanded polystyrene that is used as packaging fill. Polystyrene loose fill
24 packaging is commonly referred to as packing peanuts.”

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

26 “(6) “Retailer” means any person engaged in the business of making sales at retail
27 within the District.”.

28 (b) Section 402 (D.C. Official Code § 8-1532) is amended by adding a new
29 subsection (a-1) to read as follows:

30 “(a-1) By July 1, 2020, no retailer shall sell or offer for sale an expanded polystyrene
31 food service product or polystyrene loose fill packaging.”.

32 Sec. 3. Fiscal impact statement.

33 The Council adopts the fiscal impact statement in the committee report as the fiscal
34 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
35 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

36 Sec. 4. Effective date.

37 This act shall take effect following approval by the Mayor (or in the event of veto by the
38 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
39 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
40 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
41 Columbia Register.


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: January 31, 2019

SUBJECT: Fiscal Impact Statement – Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on January 31, 2019

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

Background

Beginning in 2016, the District banned the use of expanded polystyrene (Styrofoam) containers by food service businesses¹ in the District.² The Department of Energy and Environment (DOEE) implements and enforces the ban on these products as well as a ban on other food service products that cannot be recycled or composted.

The bill expands the polystyrene ban to prohibit the sale of polystyrene food service or loose fill packaging³ products at retail establishments in the District. Retail establishments must stop selling these products by July 1, 2020.

¹ These businesses include restaurants, cafes, delis, coffee shops, supermarkets, food trucks, etc. regardless of whether the food is for consumption on or off the premises.

² Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 et seq.).

³ Polystyrene loose fill packaging is commonly referred to as packing peanuts.

The Honorable Phil Mendelson

FIS: "Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019," Draft Bill as shared with the Office of Revenue Analysis on January 31, 2019

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. DOEE enforces the current bans related to food service businesses and will utilize this same enforcement staff to enforce this Act's prohibitions on retail sales of polystyrene products. DOEE can absorb any costs associated with enforcement, advertising, and education with its existing budgeted resources. The prohibition begins on July 1, 2020, giving DOEE time to fully establish its enforcement policies and processes for the recently implemented polystyrene and disposable food service product bans before beginning enforcement of the Act's retail business ban.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: December 20, 2018

RE: Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment
Act of 2019
(AE-18-513B)

This is to Certify that this Office has reviewed the above-referenced legislation and found it to be legally unobjectionable. If you have any questions, please do not hesitate to call me at 724-5524.



Janet M. Robins