

## Department of Planning and Budget 2021 Fiscal Impact Statement

1. **Bill Number:** HB1902

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Carr

3. **Committee:** Agriculture, Chesapeake and Natural Resources

4. **Title:** Expanded polystyrene food service containers; prohibition; civil penalty.

5. **Summary:** Prohibits the dispensing by a food vendor of prepared food to a customer in a single-use expanded polystyrene food service container, as defined in the bill. The bill requires certain chain restaurants to stop using such containers by July 1, 2023, and sets the date for compliance by all food vendors as July 1, 2025. The bill exempts nonprofit organizations from the definition of "food vendor" and provides a process by which a locality may grant consecutive one-year exemptions to individual food vendors on the basis of undue economic hardship. The bill provides a civil penalty of not more than \$50 for each day of violation, to be collected in a civil action brought by the Attorney General or the relevant locality. The penalties collected are to be deposited in the Litter Control and Recycling Fund or to the treasury of the relevant locality, as appropriate. A portion of the penalties deposited in the Fund are to be used for public information campaigns to discourage the sale and use of expanded polystyrene products. Finally, the bill directs the Department of Environmental Quality (DEQ) to post to its website information on compliance and the filing of complaints. This bill is a reenactment of Chapter 1104 of the Acts of Assembly of 2020.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

8. **Fiscal Implications:** It is anticipated that any expenditure impact to DEQ as a result of this bill can be absorbed within existing resources. Revenues resulting from the civil penalty established in this bill are to be deposited into the Litter Control and Recycling Fund, which supports grants to localities to aid in litter and recycling program efforts. Any potential revenue impact resulting from this measure is indeterminate, as it is not possible to estimate the number of violations that will occur.

9. **Specific Agency or Political Subdivisions Affected:** Department of Environmental Quality; Virginia Waste Management Board; Office of the Attorney General; Department of the Treasury; courts; localities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.