
HOUSE BILL 2089

State of Washington

61st Legislature

2009 Regular Session

By Representative Chase

1 AN ACT Relating to food service products; adding a new chapter to
2 Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Compostable" means made solely of organic substances that
7 break down into a stable product due to the action of bacteria in a
8 controlled, aerobic commercial process that results in a material safe
9 and desirable as a soil amendment meeting the compost quality standards
10 found under WAC 173-350-220 for metals, physical parameters, pathogens,
11 manufactured inert material, and other testing parameters set by the
12 local health department.

13 (2) "Disposable plastic food service ware" means nonrecyclable
14 containers, plates, clamshell-style containers, serving trays, meat and
15 vegetable trays, hot and cold beverage cups, and utensils that are made
16 of plastic or plastic-coated paper and intended only for one-time use,
17 including biodegradable products where any portion is not compostable.

18 (3) "Expanded polystyrene" means blown polystyrene and expanded and
19 extruded foams that are thermoplastic petrochemical materials utilizing

1 a styrene monomer and processed by any number of techniques including,
2 but not limited to, fusion of polymer spheres (expandable bead
3 polystyrene), injection molding, foam molding, and extrusion-blow
4 molding (extruded foam polystyrene).

5 (4) "Expanded polystyrene food service products" means food
6 containers, plates, clamshell-style containers, hot and cold beverage
7 cups, meat and vegetable trays, egg cartons, and other products, made
8 of expanded polystyrene and used for selling or providing food for
9 consumption on or off the premises.

10 (5) "Food service businesses" means full-service restaurants, fast
11 food restaurants, cafes, delicatessens, coffee shops, grocery stores,
12 vending trucks or carts, business or institutional cafeterias, and
13 other businesses that sell or provide food for consumption on or off
14 the premises.

15 (6) "Recyclable" means made solely of materials that are capable of
16 being separated from a waste stream by a food service business and made
17 available for collection and delivery to a processor for reuse or
18 remanufacture into the same or other products.

19 NEW SECTION. **Sec. 2.** (1) Effective January 1, 2010, food service
20 businesses are prohibited from selling or providing food, for
21 consumption on or off the premises, in expanded polystyrene food
22 service products, except as otherwise provided under subsection (2) of
23 this section.

24 (2) Prepackaged soups and other foods that food service businesses
25 sell or otherwise provide to their customers in expanded polystyrene
26 containers that have been filled and sealed prior to receipt by a food
27 service business are exempt from the prohibition established in
28 subsection (1) of this section.

29 (3) Effective July 1, 2010, food service businesses are prohibited
30 from selling or providing food, for consumption on or off the premises,
31 in or with disposable plastic food service ware. Acceptable
32 alternatives for prohibited disposable plastic food service ware must
33 be compostable or recyclable.

34 NEW SECTION. **Sec. 3.** A violation of or failure to comply with
35 this chapter is a class I civil infraction and subject to penalties
36 under RCW 7.80.120.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
2 a new chapter in Title 70 RCW.

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