Maine Department of Environmental Protection

Maine DEP delays enforcement of polystyrene foam and plastic bag bans

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AUGUSTA, December 22, 2020 - A statewide ban on single-use plastic carry-out bags had been scheduled to go into effect January 15, 2021 and the polystyrene foam disposable food service container ban had been scheduled to go into effect January 1, 2021 however, the Maine Department of Environmental Protection (DEP) is delaying its enforcement of the laws that ban the use of these products until July 1, 2021.

The Department is taking this approach in response to several practical and logistical effects of the COVID-19 Pandemic. The COVID-19 worldwide pandemic has disrupted traditional food marketing and packaging supplies. Demand for groceries, "curbside pickup," and takeout food has increased, while the demand for paper bags and thicker reusable plastic bags has also increased resulting in substantially less supply of both 4 mil reusable plastic bags and paper bags - the substitutes allowed for single-use plastic carry-out bags under the bag law. Additionally, due to concerns over possible virus transmission, many retailers have asked customers not to bring reusable bags from home, moving consumers back to store-supplied single-use bags.

The pandemic is also causing a similar disruption with alternatives to polystyrene foam disposable food service containers that fall under the ban. In addition to a disruption in available packaging supplies, COVID-19 safety protocols have led to greater caution with handling of food and beverages and increased demand for disposable food service ware. Schools, homeless shelters, and other groups are providing more food in disposable packaging than before the pandemic. Therefore, the Department has decided to exercise its enforcement discretion to not enforce the single-use plastic carry-out bag ban and 5¢ fee, and the polystyrene foam disposable food service container ban until July 1, 2021.

The delay in enforcement of these bans is not intended to downplay the importance of eliminating single-use plastic carry-out bags and polystyrene foam disposable food service containers from the waste stream, but rather to address current concerns related to impacts of the pandemic. The Department strongly encourages those that use single-use plastic carry-out bags and polystyrene foam disposable food service containers to use this additional time to focus on procuring alternatives to these products and on depleting current stocks of these products before the July 1, 2021 enforcement date. The Department previously delayed the statewide prohibition on single-use plastic carry-out bags from its effective date of April 22, 2020.

More information regarding the plastic bag ban and the polystyrene foam food service container ban can be found on the Department's website at:

- https://www.maine.gov/dep/waste/recycle/plastic-bag-film.html (https://www.maine.gov/dep/waste/recycle/plastic-bag-film.html)
- https://www.maine.gov/dep/waste/recycle/polystyrene-foam.html (https://www.maine.gov/dep/waste/recycle/polystyrene-foam.html)

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