

To: Food establishments located within [city or county]

From: [your city or county]

RE: Ban on Polystyrene Food and Beverage Containers begins January 1, 2024

The State of Colorado passed [House Bill 21-1162](#) in 2021, which institutes a ban on the distribution of polystyrene food and beverage containers by Colorado food establishments beginning January 1, 2024. More details related to the ban on polystyrene food and beverage containers can be found on the [City/County] website at [add url or add [ecocycle.org/ppra](https://ecocycle.org/ppra)]. Read the Plastic Pollution Reduction Act at: [leg.colorado.gov/sites/default/files/2021a\\_1162\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2021a_1162_signed.pdf)

#### REQUIREMENTS OF FOOD ESTABLISHMENTS:

#### BAN ON POLYSTYRENE FOOD & BEVERAGE CONTAINERS

**Beginning January 1, 2024, all retail food establishments, regardless of size or number of locations, are prohibited from distributing polystyrene (often referred to as Styrofoam®) food containers and cups.** *After January 1, 2024, food establishments may distribute polystyrene food containers and cups from remaining inventory until supplies are depleted.*

“Retail food establishment” definition: According to Colorado law, a retail food establishment is defined as a business that prepares or packages food for humans and provides the food to people either directly or through a delivery service. The food can be eaten on or off the premises of the food establishment. **Retail food establishments include restaurants, fast food restaurants, cafeterias, schools, and prisons.**

*The ban on polystyrene paper bag fee does not apply to:*

- Farmers markets and roadside markets
- Private homes and boarding houses
- Kitchens selling food products directly to consumers under the Colorado Cottage Foods Act
- Hospital and health facilities
- Childcare centers
- Hunting camps and outdoor recreation locations
- Food or beverage wholesale manufacturing, processing, or packaging plants
- Motor vehicles used solely for the transport of food
- Coffee or tea shops serving only hot beverages and pastries
- Establishments serving only prepackaged or commercially prepared food requiring no preparation other than the heating of food within its original container
- Automated food merchandising enterprises dispensing pre-packaged food
- Packaging of drugs, medical devices, or dietary supplements regulated by the U.S. Food and Drug Administration

See [C.R.S. 25-4-1602](#) for a complete list of food establishments that are exempt from the ban on polystyrene food containers and cups.

## FREQUENTLY ASKED QUESTIONS

### **Why is Colorado banning polystyrene food containers and cups beginning January 1, 2024?**

Polystyrene is one of the worst plastics for human health and the environment. Polystyrene food and beverage containers (often referred to as Styrofoam<sup>®</sup>) is made from styrene, which is considered a carcinogen by the Department of Health and Human Services and the International Agency for Research on Cancer. Polystyrene foam products never biodegrade; instead they break down into smaller and smaller parts that can pollute waterways and soil, or be lethally ingested by cattle and wildlife.

### **What is considered a polystyrene food container or cup?**

Banned polystyrene containers include hinged food containers (aka clamshells), plates, cups, bowls, and trays.

### **What are alternatives to polystyrene food containers and cups?**

There are many alternatives that food establishments may consider as you eliminate polystyrene food containers and cups. Eco-Cycle's "Guide to Sustainable Serviceware" can help you navigate your choices, including for those businesses in regions where compostable products are not accepted in the compost stream. You'll also learn more ways your business can choose sustainable options for customers, some of which can save your business money. You can find the guide at [enter your url if you have uploaded the guide to your website, or add "ecocycle.org/sustainable-serviceware"]

Please contact [[local contact information](#)] with any questions.