

Senators introduce Farewell to Foam Act

The proposed legislation seeks to phase out products made with expanded polystyrene, such as single-use plastic foam food containers, by 2026.



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Sen. Chris Van Hollen of Maryland and Rep. Lloyd Doggett of Texas have introduced bicameral legislation to phase out single-use plastic foam food service products, “loose fill” such as packing peanuts and nonmedical disposable coolers—materials they say are known to cause adverse health effects and pollute waterways.

The proposed legislation, dubbed [The Farewell to Foam Act](#), will prohibit the sale and distribution of these items beginning January 2026, while supporting the transition to alternatives. Additional Senate cosponsors include Sens. Richard Blumenthal of Connecticut, Angus King of Maine, Ed Markey and Elizabeth Warren of Massachusetts, Jeff Merkley and Ron Wyden of Oregon and Bernie Sanders and Peter Welch of Vermont.

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“Single-use plastics like foam food containers don’t disappear when you throw them away—they end up choking waterways like the Chesapeake Bay and contaminating our food supply,” Van Hollen says in a news release. “This pollution poses a serious, growing danger to human and environmental health and causes real economic harm to those whose livelihoods depend on our waterways. By phasing out foam and encouraging the use of more sustainable packaging, we can tackle a major driver of pollution and improve the health of our communities.”

According to the senators, expanded polystyrene (EPS), known more commonly as plastic foam, is one of the most harmful forms of single-use plastic. They say these materials often contain additives that can have negative impacts on human health, such as flame retardants and colorants, noting they are difficult to recycle and prone to break up into microplastics that often wash away into the environment.

The lawmakers say it is estimated that Americans use at least 5.6 billion pieces of plastic foam products annually.

“Plastic foam is a permanent polluter,” Doggett says. “As trash clutters our waterways, roadsides and greenspaces, foam doesn’t fully disintegrate. Instead, it ever so slowly degrades into microplastics that pollute our bodies and our planet. This legislation, informed by successful state and local plastic foam bans, seeks a cleaner, more sustainable future for our entire country by saying farewell to foam.”

In 2019, Maryland became the first state in the U.S. to pass a law ending the use of plastic foam food service products. A [study](#) on the impact of the Maryland law conducted earlier this year claims to have found a 65 percent decrease in plastic foam foodware pollution on beaches and waterways in the state. Since then, 10 additional states and the District of Columbia have passed similar measures.

“As anyone who’s been on riverbanks or the coast can tell you, pollution in our waters is on the rise—threatening public health, economic security and the future of our planet,” King says. “The Farewell to Foam Act would phase out harmful foam food containers and single-use foam storage bins to protect our families and friends from ingesting these dangerous microplastics that have negative impacts on human health. We need bold action to tackle this global crisis, and this bill is a common-sense step we

can take to reduce our dependence on this particularly harmful form of plastic.”

The senators say the aim of the Farewell to Foam Act aims to build on this progress and reduce plastic foam pollution nationwide by requiring food service providers, manufacturers, distributors and retailers to transition their stock of EPS products such as foodware, coolers and loose packaging fill to alternative materials by January 1, 2026.

The bill also would authorize the [U.S. Environmental Protection Agency](#) (EPA) to impose escalating fines on establishments that violate the EPS prohibition during one calendar year: \$250 for the first violation, \$500 for the second violation and \$1,000 for the third and subsequent violations. Service providers and retailers with annual revenue less than \$1 million and manufacturers and distributors with annual revenue less than \$5 million would not be penalized more than once during any seven-day period. The legislation provides exemptions for EPS material used for medical, industrial or safety purposes.

In a statement, Ross Eisenberg, president of America's Plastic Makers at the Washington-based [American Chemistry Council](#), says the legislation is misguided and won't meaningfully address plastic pollution, but would instead force a switch to materials often with higher greenhouse gas footprints and worse performance attributes.

"America doesn't need this one-off, band-aid approach at the expense of an incredibly useful material," Eisenberg says. "We need real solutions like requiring recycled content in packaging and financing mechanisms that increase access to recycling and leverage technology to transform our recycling infrastructure.