

HOUSE No. 2521

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prohibit the use of polystyrene foam food containers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/16/2025</i>

HOUSE No. 2521

By Representative Rogers of Cambridge, a petition (accompanied by bill, House, No. 2521) of David M. Rogers for legislation to prohibit the use of polystyrene foam food containers. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2261 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to prohibit the use of polystyrene foam food containers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws are hereby amended by inserting after Section 5S:

2 Section 5T.

3 EXTRUDED OR EXPANDED POLYSTYRENE FOAM FOOD CONTAINERS

4 Section 1. Definitions. As used in this section, the following terms have the following
5 meanings, unless the context clearly indicates otherwise:

6 A. "Compostable," with regard to a material, means that the material will undergo
7 degradation by biological processes during composting to yield carbon dioxide, water, inorganic
8 compounds and biomass at a rate consistent with other materials that undergo degradation by

9 biological processes and leave no visible, distinguishable or toxic residue, including no adverse
10 impact on the ability of compost to support plant growth once the compost is placed in soil;

11 B. "Disposable food container" means a container, bowl, plate, tray, carton, cup, lid
12 or other item designed for one-time use for prepared foods. "Disposable food container" includes
13 foodware for take-out foods and leftovers from partially consumed meals prepared by food
14 vendors;

15 C. "Polystyrene" means and includes expanded polystyrene which is a thermoplastic
16 petrochemical material utilizing a styrene monomer and processed by any number of techniques
17 including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection
18 molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term
19 "polystyrene" also includes clear or solid polystyrene, which is known as "oriented polystyrene";

20 D. "Polystyrene foam" means blown polystyrene and expanded and extruded foams
21 using polystyrene;

22 E. "Recyclable," with regard to a material, means that a material that would
23 otherwise be disposed of or processed as waste can be recovered, separated, collected and
24 reprocessed for the purpose of using the reprocessed material in the manufacture of a new
25 product.

26 Section 2. Prohibition on polystyrene foam food ware. After January 1, 2024, no person
27 may sell or provide in this State any food ware product composed in whole or in part of extruded
28 or expanded polystyrene foam:

29 A. No Store or Food Distributor shall serve or sell prepared food or beverage in EPS
30 foam containers and shall not package meat, eggs, bakery products, or other food in EPS foam
31 containers.

32 B. No Store, Food Distributor, or Food Packager shall package meat, eggs, bakery
33 products, or other food in EPS foam containers.

34 C. No Store that sells tangible personal property at retail shall sell EPS foam food or
35 beverage containers.

36 D. The State shall not use EPS foam food or beverage containers at any State facility
37 or State sponsored event.

38 E. No State department or facility shall purchase or acquire EPS foam food or
39 beverage containers.

40 F. All parties who contract with the State shall be prohibited from using EPS foam
41 food and beverage containers in State facilities or on State-funded projects within the State.

42 Section 3. Compliance. Compliance with this section shall be as follows.

43 A. All distributors engaged in the sale or distribution in the State of products covered
44 under subsection 1 shall certify to the commissioner their compliance with subsection 1.

45 Section 4. Enforcement.