

119TH CONGRESS
1ST SESSION

H. R. 1918

To prohibit the sale and distribution of expanded polystyrene food service ware, expanded polystyrene loose fill, and expanded polystyrene coolers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2025

Mr. DOGGETT (for himself, Ms. BALINT, Ms. BARRAGÁN, Mr. BEYER, Ms. BONAMICI, Ms. BROWNLEY, Mr. CARSON, Mr. CARTER of Louisiana, Mr. CASAR, Mr. CASTEN, Ms. CASTOR of Florida, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY, Mrs. McCLAIN DELANEY, Ms. DEXTER, Ms. ELFRETH, Mr. ESPAILLAT, Mr. EVANS of Pennsylvania, Ms. FRIEDMAN, Mr. FROST, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GARCIA of California, Mr. GOLDMAN of New York, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HOYER, Mr. HUFFMAN, Ms. JACOBS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Mr. KRISHNAMOORTHY, Mr. LATIMER, Mr. LEVIN, Mr. LIEU, Mr. MAGAZINER, Ms. MATSUI, Ms. MCCOLLUM, Mrs. CHERFILUS-McCORMICK, Mr. MFUME, Mr. MIN, Mr. MULLIN, Mr. NADLER, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. OLSZEWSKI, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. QUIGLEY, Mrs. RAMIREZ, Mr. RASKIN, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Ms. STANSBURY, Mr. TAKANO, Mr. THOMPSON of California, Ms. TLAIB, Ms. TOKUDA, Mr. TORRES of New York, Mrs. TRAHAN, Mr. VARGAS, Ms. VELÁZQUEZ, Ms. WATERS, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, Mr. KHANNA, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the sale and distribution of expanded polystyrene food service ware, expanded polystyrene loose fill, and expanded polystyrene coolers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Farewell to Foam Act
5 of 2025”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) BIOLOGICAL PRODUCT.—The term “biologi-
12 cal product” has the meaning given the term in sec-
13 tion 351(i) of the Public Health Service Act (42
14 U.S.C. 262(i)).

15 (3) COVERED POLYSTYRENE FOAM WARE.—The
16 term “covered polystyrene foam ware” means—

17 (A) an expanded polystyrene cooler;

18 (B) an expanded polystyrene food service
19 ware; and

20 (C) expanded polystyrene loose fill.

21 (4) DISTRIBUTOR.—The term “distributor”
22 means any person that distributes covered poly-
23 styrene foam ware that is sold or offered for sale in
24 the United States.

1 (5) DRUG.—The term “drug” has the meaning
2 given the term in section 201 of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 321).

4 (6) EXPANDED POLYSTYRENE.—The term “ex-
5 panded polystyrene” means blown polystyrene and
6 expanded or extruded foams that are thermoplastic
7 petrochemical materials utilizing a styrene monomer
8 and processed by any technique or combination of
9 techniques, including fusion of polymer spheres (ex-
10 pandable bead polystyrene), injection molding, foam
11 molding, and extrusion-blow molding (extruded foam
12 polystyrene).

13 (7) EXPANDED POLYSTYRENE COOLER.—

14 (A) IN GENERAL.—The term “expanded
15 polystyrene cooler” means a portable container
16 made entirely or partially of expanded poly-
17 styrene that is designed or intended to be used
18 for cold storage.

19 (B) EXCLUSION.—The term “expanded
20 polystyrene cooler” excludes portable containers
21 intended to be used for drugs, medical devices,
22 or biological products.

23 (8) EXPANDED POLYSTYRENE FOOD SERVICE
24 WARE.—

1 (A) IN GENERAL.—The term “expanded
2 polystyrene food service ware” means a product
3 made of expanded polystyrene that is—

4 (i) used for selling or providing food
5 or beverages; and

6 (ii)(I) intended by the manufacturer
7 to be used once for eating or drinking; or
8 (II) generally recognized by the public
9 as an item to be discarded after 1 use.

10 (B) INCLUSIONS.—The term “expanded
11 polystyrene food service ware” includes any
12 product described in subparagraph (A) con-
13 sisting of a bowl, plate, hot or cold beverage
14 cup, lid, clamshell, tray, carton for eggs or
15 other food, or any other item used for serving
16 or containing prepared food, including takeout
17 food and leftovers from partially consumed
18 meals prepared by food vendors.

19 (9) EXPANDED POLYSTYRENE LOOSE FILL.—
20 The term “expanded polystyrene loose fill” means a
21 void-filling packaging product made of expanded pol-
22 ystyrene foam that is used as a packaging fill (com-
23 monly referred to as “packing peanuts”).

24 (10) FOOD SERVICE PROVIDER.—The term
25 “food service provider” means a person engaged in

1 the business of selling or distributing prepared food
2 or beverages for on-premise or off-premise consump-
3 tion, including any—

4 (A) food service establishment, caterer,
5 temporary food service establishment, mobile
6 food service establishment, and pushcart;

7 (B) retail food store;

8 (C) delicatessen;

9 (D) grocery store;

10 (E) restaurant;

11 (F) cafeteria;

12 (G) coffee shop;

13 (H) hospital, adult care facility, and nurs-
14 ing home; and

15 (I) elementary or secondary school, college,
16 and university.

17 (11) MANUFACTURER.—The term “manufac-
18 turer” means any person that manufactures or im-
19 ports covered polystyrene foam ware that is sold, of-
20 fered for sale, or distributed in the United States.

21 (12) MEDICAL DEVICE.—The term “medical de-
22 vice” has the meaning given the term “device” in
23 section 201 of the Federal Food, Drug, and Cos-
24 metic Act (21 U.S.C. 321).

25 (13) PREPARED FOOD.—

1 (A) IN GENERAL.—The term “prepared
2 food” means food or beverages that—

3 (i) are cooked, chopped, sliced, mixed,
4 brewed, frozen, heated, squeezed, com-
5 bined, or otherwise prepared on the prem-
6 ises of a food service provider for imme-
7 diate consumption; and

8 (ii) require no further preparation to
9 be consumed.

10 (B) INCLUSION.—The term “prepared
11 food” includes ready-to-eat takeout foods and
12 beverages described in subparagraph (A).

13 (14) RETAILER.—The term “retailer” means
14 any person that sells, supplies, or offers to con-
15 sumers covered polystyrene foam ware.

16 **SEC. 3. BAN ON EXPANDED POLYSTYRENE FOOD SERVICE**
17 **WARE, LOOSE FILL, AND COOLERS.**

18 (a) EXPANDED POLYSTYRENE FOOD SERVICE
19 WARE.—Beginning on January 1, 2028, no food service
20 provider, manufacturer, distributor, or retailer shall sell,
21 offer for sale, or distribute expanded polystyrene food
22 service ware.

23 (b) EXPANDED POLYSTYRENE LOOSE FILL AND EX-
24 PANDED POLYSTYRENE COOLERS.—Beginning on Janu-
25 ary 1, 2028, no manufacturer, distributor, or retailer shall

1 sell, offer for sale, or distribute expanded polystyrene loose
2 fill or expanded polystyrene coolers.

3 **SEC. 4. ENFORCEMENT.**

4 (a) WRITTEN NOTIFICATION FOR FIRST VIOLA-
5 TION.—If a food service provider, manufacturer, dis-
6 tributor, or retailer violates section 3, the Administrator
7 shall provide that food service provider, manufacturer, dis-
8 tributor, or retailer with written notification regarding the
9 violation.

10 (b) SUBSEQUENT VIOLATIONS.—

11 (1) IN GENERAL.—If a food service provider,
12 manufacturer, distributor, or retailer, subsequent to
13 receiving a written notification under subsection (a),
14 violates section 3 again, the Administrator shall im-
15 pose a civil penalty on the food service provider,
16 manufacturer, distributor, or retailer in accordance
17 with this subsection.

18 (2) AMOUNT OF PENALTY.—For each violation
19 described in paragraph (1), the amount of the civil
20 penalty under that paragraph shall be—

21 (A) in the case of the second violation,
22 \$250;

23 (B) in the case of the third violation, \$500;

24 and

1 (C) in the case of the fourth, and any sub-
 2 sequent, violation, \$1,000.

3 (3) LIMITATIONS.—

4 (A) FOOD SERVICE PROVIDERS; RETAIL-
 5 ERS.—In the case of a food service provider or
 6 retailer the annual revenue of which is less than
 7 \$1,000,000, a penalty shall not be imposed
 8 under this subsection more than once during
 9 any 7-day period.

10 (B) MANUFACTURER; DISTRIBUTORS.—In
 11 the case of a manufacturer or distributor the
 12 annual revenue of which is less than
 13 \$5,000,000, a penalty shall not be imposed
 14 under this subsection more than once during
 15 any 7-day period.

16 (c) STATE ENFORCEMENT.—The Administrator may
 17 permit a State to carry out enforcement under this section
 18 if the Administrator determines that the State meets such
 19 requirements as the Administrator may establish.

20 **SEC. 5. REGULATIONS.**

21 The Administrator may promulgate such regulations
 22 as the Administrator determines necessary to carry out
 23 this Act.

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