

Plastic Pollution Prevention and Packaging Producer Responsibility Act

**Requirements for Expanded Polystyrene Recycling Rate Demonstration
Frequently Asked Questions (FAQ)**

Introduction

The Plastic Pollution Prevention and Packaging Producer Responsibility Act (the Law) restricts producers of expanded polystyrene (EPS) food service ware from selling, offering for sale, distributing, or importing EPS food service ware in or into the state unless certain recycling rates are met. To continue these activities in California, producers of EPS food service ware are required to demonstrate to CalRecycle that the statutorily mandated recycling rates are met for all EPS covered material under the Law as of January 1, 2025.

This FAQ document is part of CalRecycle's compliance efforts to assist regulated businesses in understanding and complying with the Law. Additional compliance assistance efforts will be made available to supplement the information in this document in the future.

- 1. Who is regulated as the Producer of EPS food service ware?**
 - a. The definition of 'producer' is in [PRC section 42041\(w\)](#). This definition applies to producers of EPS food service ware as well as other covered material. Guidance on identifying producers will be published by CalRecycle once the regulations are effective. Industry organizations and the Producer Responsibility Organization (PRO), [Circular Action Alliance](#), may also provide support or educational materials to assist businesses in determining who the producer is for a particular item of covered material.
- 2. What materials are considered to be EPS food service ware and are therefore prohibited from sale/distribution?**
 - a. Expanded polystyrene food service ware refers to expanded polystyrene as defined in [PRC section 42041\(k\)](#) and single-use food service ware items as defined in [PRC section 42041\(e\)\(1\)\(B\)\(i\)](#). Single-use food service ware items include trays, plates, bowls, clamshells, lids, cups, utensils, stirrers, hinged or lidded containers, and straws.
 - For example, clamshell takeout containers and cold drink to-go cups are food service ware and are subject to the sales and distribution restriction described in [PRC section 42057\(i\)](#).



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3. **Are EPS school lunch trays covered under the restrictions in PRC section 42057(i)?**
 - a. Yes, school lunch trays made from expanded polystyrene are considered EPS food service ware and are subject to the restrictions described in [PRC section 42057\(i\)](#).
4. **What materials are NOT EPS food service ware?**
 - a. Expanded polystyrene materials not used in the service of food such as packaging materials, crafting foam, or sports equipment are not EPS food service ware.
 - For example, expanded polystyrene egg cartons, foam coolers, and trays used to sell pre-packaged raw meat **are not considered** food service ware. These materials are not subject to the sales and distribution restriction described in [PRC section 42057\(i\)](#).
5. **Who is exempted from this requirement?**
 - a. The restriction on the sale and distribution of EPS food service ware applies to producers, as defined in PRC section 42041(w).
 - Entities who are not producers are not subject to the sales restriction and may be currently exhausting stocks of EPS food service ware that were acquired legally from producers before the restriction went into place.
 - [PRC section 42060](#) also exempts small producers, small retailers, and small wholesalers based on size, revenue, number of retail locations, and market share.
6. **Who is required to submit the recycling rate demonstration?**
 - a. Producers of expanded polystyrene food service ware must demonstrate to CalRecycle that **all expanded polystyrene** covered material meets the recycling rate. All expanded polystyrene covered material includes all EPS food service ware and EPS packaging subject to this law.

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7. What materials need to be included in the recycling rate calculation?

- a. The demonstration must show a statewide recycling rate for all EPS covered material (food service ware as well as packaging).
 - This cannot be a product-specific or producer-specific recycling rate.
- b. How is the recycling rate meant to be calculated?

$$\frac{\text{Weight of EPS covered material recycled}}{\text{Weight of all EPS covered material recycled} + \text{Weight of all EPS covered material disposed of}}$$

8. Who determines if the recycling rate has been met?

- a. CalRecycle will review any recycling rate demonstrations submitted to the Department to determine if they satisfy the requirements of the Law.

9. What is the current status of the EPS food service ware prohibition?

- a. To date, producers of EPS food service ware have not met this requirement. As a result, EPS producers are restricted from selling, offering for sale, distributing, or importing EPS food service ware, such as single-use takeout containers and cups, in or into California.
- b. This information was shared on April 4, 2025, through the Packaging EPR [listserv](#) and [webpage](#).

10. When did the prohibition become effective?

- a. The Law prohibits the sale or distribution of EPS food service ware as of January 1, 2025, if the recycling rate has not been demonstrated. Since the recycling rate has not been demonstrated, the prohibition went into effect January 1, 2025.

11. Is this the first time EPS food service ware has been regulated?

- a. Expanded polystyrene has already been restricted or banned in:
 - 11 other U.S. states,
 - 131 California communities, and
 - 250 cities and counties across the U.S.

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12. What kinds of assistance is available?

- a. CalRecycle is developing an education and assistance program to help regulated businesses have access to information to help them comply with the Law. The strategy will evolve as more information is gathered about the regulated community and their needs, but it may include:
 - Educational partnerships with industry organizations (such as the designated PRO, [Circular Action Alliance](#)),
 - Direct communication with interested parties' questions (such as through CalRecycle's packaging@calrecycle.ca.gov inbox),
 - Public workshops and informational sessions, and
 - Online resources (such as this FAQ document).

13. How will this restriction be enforced?

- a. CalRecycle prioritizes compliance with the Law. Initially, this entails working to help producers regulated by the Law understand their obligations and their options to come into compliance. CalRecycle is prioritizing assisting producers to comply with the Law. The last step in the compliance process is taking enforcement action. CalRecycle is currently working to educate all members of the marketplace regarding the EPS restriction, their possible obligations under the Law, and their options. CalRecycle is utilizing multiple education and assistance mechanisms. Some companies, such as retailers and restaurants, may not be producers but are still affected by the restriction due to changes in product availability. CalRecycle is sharing information with those entities to ensure they are aware of the restriction to inform their future purchasing decisions.

14. What can be used instead of EPS food service ware?

- a. There are many materials available in the marketplace suitable for food service ware. CalRecycle cannot promote a particular material replacement.
- b. Many jurisdictions in California and across the country have instituted some form of restriction of the sale of EPS. The businesses in those communities provide an opportunity to learn from successful, real-life, market-driven solutions.



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- 15. Where can I notify the Department if someone is selling material they shouldn't be?**
- You can provide details through CalRecycle's online [Notification Portal](#).
 - Additional information can be provided to CalRecycle through the packaging@calrecycle.ca.gov inbox.
- 16. When can the EPS industry resubmit data to demonstrate the recycling rate?**
- To continue the selling, offering for sale, distributing, or importing of EPS food service ware in or into the state, producers of EPS food service ware are required to demonstrate to CalRecycle that the statewide recycling rate of all expanded polystyrene regulated by the Law, which includes packaging and food service ware, is not less than 25% on and after January 1, 2025 ([PRC section 42057\(i\)](#)). Producers can submit data at any time to demonstrate the recycling rate. This recycling rate requirement increases over time and the new rates must be met according to the dates described in the Law.
- 17. When does the required recycling rate increase?**
- Per [PRC section 42057\(i\)](#), the timeline for when EPS producers are legally required to demonstrate increased recycling rates for EPS packaging and food service ware are:
 - 30% on and after 2028
 - 50% on and after 2030
 - 65% on and after 2032
- 18. Where can I find more information?**
- Please visit CalRecycle's Packaging EPR web page at calrecycle.ca.gov/packaging/packaging-epr.
 - You can also send questions to packaging@calrecycle.ca.gov.
 - You can review past listserv messages as well as sign up to receive new ones at calrecycle.ca.gov/emailupdates/38-2.

