



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

December 2, 2025

To: Producers of Expanded Polystyrene Foam Food Service Ware

RE: Ban on Expanded Polystyrene Foam Food Service Ware

This letter is to remind you of your compliance obligations under the Plastic Pollution Prevention and Packaging Producer Responsibility Act, Senate Bill No. 54 (Allen, Chapter 75, Statutes of 2022) (“SB 54”), which was signed into law on June 30, 2022.

Specifically, this letter relates to a provision of SB 54 that restricts the sale in California of certain expanded polystyrene (“EPS”) food service ware (hereinafter “EPS service ware”) items, such as single-use trays, plates, bowls, clamshells, cups, and hinged or lidded containers.¹ SB 54 prohibits producers² of EPS service ware from selling, offering for sale, distributing, or importing EPS service ware in or into the state unless the producer has demonstrated to the California Department of Resources Recycling and Recovery (CalRecycle) that the recycling rate of all EPS service ware regulated by SB 54 is not less than 25% on and after January 1, 2025. (Pub. Res. Code, § 42057, subd. (i)(A).)

¹ See the California Department of Resources Recycling and Recovery’s *Requirements for Expanded Polystyrene Recycling Rate Demonstration Frequently Asked Questions (FAQ)* at this link—<https://www2.calrecycle.ca.gov/Docs/Web/130851>.

² “Producers” for purposes of Section 42057 is defined in Public Resources Code section 42041, subdivision (w) and includes certain sellers and distributors that do not themselves manufacture EPS service ware but sell and/or distribute it.

In September 2024, CalRecycle provided notice of the upcoming January 1, 2025, deadline to demonstrate the necessary recycling rate for EPS service ware.³ In January 2025, CalRecycle determined that the 25% recycling rate had not been met and notified producers that they were therefore prohibited from selling, offering for sale, distributing, or importing EPS service ware—in or into California. On April 4, 2025,⁴ and again on August 6, 2025,⁵ CalRecycle sent follow-up notices, restating that EPS service ware cannot be offered for sale or sold in California. CalRecycle also established an online portal for reporting violations of the EPS service ware ban, entitled EPS Food Service Ware Notification Form.⁶

You are advised that, because the required recycling rate was not demonstrated, producers are prohibited from selling, offering for sale, distributing, or importing EPS service ware in the state of California.

You are further advised that SB 54 authorizes the imposition of administrative civil penalties up to \$50,000 per day per violation for noncompliance with its provisions. (Pub. Res. Code, § 42081, subd. (a).) Additionally, violations of SB 54 may be enforced under California's Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.), which allows for the imposition of civil penalties up to \$2,500 for each violation and may be enforced by the Attorney General.

The Attorney General takes seriously the need to comply with SB 54. You have been identified as an entity that may be affected by the above restrictions on EPS food service ware. Please consult with your compliance personnel and legal counsel to ensure that you are not in violation of this important California law. For further information please visit CalRecycle's Extended Producer Responsibility page at <https://calrecycle.ca.gov/packaging/packaging-epr/> or contact CalRecycle with questions at packaging@calrecycle.ca.gov.

Thank you for your time and attention to this matter.

Sincerely,

Deborah M. Smith

Deborah M. Smith
Acting Senior Assistant Attorney General
Environmental Justice and Protection Section

³ https://content.govdelivery.com/bulletins/gd/CALRECYCLE-3b4ef80?wgt_ref=CALRECYCLE_WIDGET_38

⁴ <https://content.govdelivery.com/accounts/CALRECYCLE/bulletins/3da823d>

⁵ https://content.govdelivery.com/bulletins/gd/CALRECYCLE-3eca440?wgt_ref=CALRECYCLE_WIDGET_38

⁶ https://calrecycle.ca.gov/packaging/packaging-epr/notificationform/?utm_medium=email&utm_source=govdelivery