

# Prohibition and Ban on the Use and Sale of Certain Plastic Materials or Products

Last updated September 2024



## ORDINANCE BACKGROUND

### When did the Town of Telluride adopt the Prohibition and Ban on the Use and Sale of Certain Plastic Materials or Products Ordinance?

In November 2022, the Town of Telluride adopted the Prohibition and Ban on the Use and Sale of Certain Plastic Materials or Products Ordinance to further discourage the use of single-use plastics, including polystyrene products, known commonly as Styrofoam®. The measure went into effect on July 1, 2024 and aligns with the Town's Climate Action Plan and the State of Colorado's HB 21-1162.

### Hasn't the Town of Telluride prohibited disposable plastic bags for a long time?

While Telluride has prohibited disposable plastic bags since 2011 by the passing of the Prohibition of Disposable Plastic Bags and Mandating Certain Standards and a Fee for the Use of Permitted Bags Ordinance, the Town felt further measures were needed to slow the impacts from single-use plastics, including the release of greenhouse gas emissions, litter in the environment, harm to wildlife, water consumption and solid waste generation.

## ORDINANCE APPLICATION

### Who does this ordinance apply to?

The ordinance applies to all business license holders within the Town of Telluride. This means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, non-profits or any other legal entity, whether for or not for profit. This also includes all employees of the business and any independent contractors associated with the businesses. This also applied to major and minor festivals and any other special events held within the Town of Telluride. Out of town vendors, such as farmer's market vendors and vending cart retailers must comply.

### What is prohibited under this ordinance?

The ordinance prohibits:

- a. Plastic Food Containers - Prepared food cannot be served on or in any container that contains plastics, including but not limited to plates, cups, bowls, trays, cartons, and hinged or lidded containers of any kind. This includes polystyrene products (Styrofoam®) and includes, but is not limited to, plates, cups, bowls, trays, cartons and hinged or lidded containers of any kind
- b. Plastic beverage straws
- c. Single-use plastic water bottles – means a single-use plastic container of less than one (1) gallon containing drinking water.
- d. Plastic cutlery
- e. Toothpicks wrapped in plastics
- f. Cotton swabs made with plastics
- g. Any single-use condiment packages served in plastic, such as, but not limited to, ketchup, mustard, mayonnaise, aioli, wasabi, soy sauce, sriracha, salsa, tartar sauce, or any salad dressing favor of any kind.
- h. Plastic garnish spears or plastic stirrers of any kind

## EXCEPTIONS & PENALTIES

### Are there exceptions?

Yes. The exceptions include:

- a. Materials used in the packaging of the provision of pharmaceutical drugs, medical devices or dietary supplements or any equipment or materials used to manufacture pharmaceutical drugs, medical devices or dietary supplements.
- b. Single-use plastic water bottles are not prohibited in cases of emergency or other Town situations where the Town Manager find that relying on single-use plastic water bottles is necessary to protect the public health, safety and welfare and no reasonable alternative would serve the same purpose, including lack of available potable water due to a natural disaster or disruption in the Town's water treatment system.
- c. Single-use plastic water bottles are not prohibited in the case of law enforcement, fire department or emergency medical services where individuals are responding in their official capacities to an emergency or first responder situations.

## What are the penalties?

Penalties are tiered based on the number of violations within the same calendar year.

- a. 1st violation – written warning
- b. 2nd violation – up to a \$50 fine
- c. 3rd violation – up to a \$100 fine
- d. 4th or more – up to a \$300 fine for each subsequent violation within the same year

No more than one (1) penalty shall be imposed upon a Person and/or Business within a seven (7) day period.

## BUSINESS IMPLEMENTATION

### What materials are currently to be given out by request only?

- a. non-plastic cutlery, napkins
- b. any other items provided to a customer beyond prepared food if specifically requested when ordering.

### What steps should businesses take to implement?

Step 1: Review the inventory of single-use plastics and Styrofoam take-out containers.

Step 2: Talk to suppliers and let them know which products need to be replaced with alternatives or eliminated. Request reusable or compostable take-out food containers.

Step 3: Install signage in a highly visible place to clearly communicate bag fee requirements, the condiments and cutlery request provision and more. The Town of Telluride will be providing signage templates for retailers to use.

Step 4: Train staff to ensure a proper understanding of the laws surrounding single-use plastics and how best to communicate with patrons.

### What companies provide products in compliance?

- EcoEnclose (paper shopping bags)
- Uline (paper shopping bags)
- Uline (paper grocery bags)
- Duro Brown (paper grocery bags)
- EcoProducts (takeout food containers)
- World Centric



## PLASTIC ALTERNATIVES

| Plastic Product                    | Best Alternatives  | Better Alternatives   |
|------------------------------------|--|---|
| Wrappers (candy, chips, etc.)      | Bulk purchasing of food in reusable containers           | N/A   |
| Bottle Caps (Plastic)              | Functional replacement with reusable bottles             | “Connect the Cap” technical fix available                             |
| Beverage Bottles (Plastic)         | Functional replacement with reusables                    | Paper boxes or aluminum cans  |
| Bags (Plastic)                     | Functional replacement with reusable bags                | Natural, bio-based shopping bags (paper)                              |
| Straws, Stirrers                   | Functional replacement with reusable straws/stirrers     | Paper or wood straws/stirrers   |
| Lids (Plastic)                     | Functional replacement with reusable cups                | Plant-based, BPI-certified compostable lids                           |
| Utensils                           | Functional replacement with reusable utensils            | Natural, bio-based, BPI-certified compostable utensils (bamboo/ wood) |
| Take Out/Away Containers (Foam)    | Functional replacement with reusable take-out containers | Plant-based, BPI-certified compostable take-out containers            |
| Take Out/Away Containers (Plastic) | Functional replacement with reusable containers          | Plant-based, BPI-certified compostable take-out containers            |
| Cups, Plates (Plastic)             | Functional replacement with reusable cups                | Plant-based, BPI-certified compostable cups                           |
| Cups, Plates (Foam)                | Functional replacement with reusable cups                | Plant-based, BPI-certified compostable cups                           |