



COMMONWEALTH of VIRGINIA
Department of Education

DATE: May 8, 2025

TO: Directors, Supervisors, and Contact Persons Addressed

FROM: Crystal Crutchfield, SNS

SUBJECT: Virginia Ban on Expanded Polystyrene Applies to Schools and Community Sponsors – Effective Date July 1, 2025

In 2021, the Virginia General Assembly passed [HB1902](#), which bans the use of Expanded Polystyrene (EPS) by food vendors ([Code of Virginia § 10.1-1424.3](#)). During the recent Reconvened General Session, the Governor’s proposed amendments to the budget included an amendment to [Code of Virginia § 10.1-1424.3](#) that would have impacted the dates of implementation. The Virginia Department of Education, Office of School and Community Nutrition Programs, has just received confirmation from the Office of the Attorney General that the ban *applies* to school divisions and community sponsors operating the National School Lunch Program, School Breakfast Program, Fresh Fruit and Vegetable Program, Seamless Summer Option, Summer Food Service Program, and At-Risk Child and Adult Care Food Program. The ban has an effective implementation date of July 1, 2025.

The ban, commonly referred to as the “Virginia Styrofoam Ban,” applies to food vendors that provide food for public consumption on or off its premises. This includes stores, shops, restaurants, grocery stores, supermarkets, delicatessens, food trucks, catering companies, and any individual, organization, group, or state or local government entity that regularly provides food as part of its services. For the purposes of this legislation, NSLP, SBP, FFVP, SSO, CACFP, and SFSP operators meet the definition of a food vendor. Beginning July 1, 2025, no food vendor of any type shall dispense prepared food to a customer in an EPS food service container.

Definitions Within The [Code of Virginia § 10.1-1424.3](#)

- An EPS food service container is a rigid single-use container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages.

- EPS food service containers include plates, cups, bowls, trays, and hinged containers but does not include packaging for unprepared foods or packaging, including a cooler, used in the shipment of food.

Virginia Styrofoam Ban Exemption

SFA and community sponsor food vendors may request an exemption through their locality, not the state agency. VDOE-SCNP cannot apply for a statewide exemption or approve any exemptions. By law, only the locality may grant an exemption if a food vendor demonstrates that compliance with the new regulation would impose undue economic hardship on the food vendor. Undue economic hardship means a situation in which:

- a food vendor has no reasonable alternative to the EPS food service containers used by that food vendor, and
- compliance would cause significant economic hardship to that food vendor.

If approved, an exemption is only valid for one year from the date of the exemption. A food vendor granted an exemption may reapply to the locality before the expiration of the exemption. The locality may grant an additional exemption not to exceed one year for each such reapplication if the food vendor demonstrates a continuing undue economic hardship at the time of reapplication to the satisfaction of the locality.

SFAs and Community Sponsors Must Use Alternative Materials

SFAs and community sponsors that currently use EPS products must use alternative materials per Virginia law. The Virginia Department of Environmental Quality has resources on EPS alternative materials including an extensive [Reference Guide](#). Any person who violates the new regulation shall be assessed with a civil penalty of not more than \$50 for each day of such violation.

For More Information

For more information, contact your assigned SNP or CNP regional specialist or send questions to the SNP policy mailbox at SNPPolicy@doe.virginia.gov.

CNC/AN/cc