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American Samoa Enacts Polystyrene Foam Container Ban

On February 6, 2024, Governor Lemanu P.S. Mauga signed Senate Bill 38-5 into law. Officially recorded as Public Law 38-12 and known as the “Polystyrene Foam Container Ban,” the bill prohibits the import, sale and distribution of polystyrene foam containers in American Samoa.

Governor Lemanu expressed his appreciation to the Legislature of American Samoa for their consideration of this new law. “This ban represents a bold step in the Territory’s ongoing efforts to improve public health and reduce waste streams damaging to our natural resources,” said Governor Lemanu. “It also reaffirms our commitment to the Pacific regional priorities of safeguarding our environment and promoting sustainable practices,” he stated.

American Samoa now joins several Pacific Island nations with polystyrene foam container bans including Fiji, Federated States of Micronesia, Marshall Islands, New Zealand, Samoa and Vanuatu.

In recent years, there has been a global movement to reduce or phase out polystyrene foam products along with single-use plastics. Polystyrene foam products contain the harmful chemicals benzene and styrene which are linked to cancer. Non-biodegradable and difficult to recycle, these foam products clog landfills and pollute our oceans. As bans gradually take hold across the globe, viable alternatives to polystyrene foam products are beginning to emerge on the world markets.

Under the bill, the American Samoa Environmental Protection Agency (ASEPA) is responsible for administration of the local polystyrene foam container ban. This includes public outreach, enforcement, and the promulgation of administrative regulations. The law will become part of the American Samoa Code Annotated (A.S.C.A.), Title 25, under a new Chapter 23.

“We are grateful for the passage of this key environmental legislation,” said ASEPA Director Lefega Faamao Asalele. “ASEPA is committed to working with the public, our partner agencies, and especially the local business community to implement this new law,” he said.

The ban is effective 60 days after the end of the current legislative session. Importers will have six (6) months from the effective date of the law to sell their existing inventory. Hardship exemptions must be applied for in writing. Violators are subject to fines ranging from \$300 up to \$5,000 dollars. To aid in the Territory’s transition from polystyrene foam containers to alternative products, the law provides for a one-year excise tax reduction, temporarily reduced from eight percent (8%) to four percent (4%), specifically for approved polystyrene foam alternatives.

ASEPA is in the process of promulgating regulations and guidelines for the polystyrene foam container ban. For further information, please contact ASEPA at 684-633-2304.

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