



Rappahannock Regional Solid Waste Management Board (R-Board)  
**UNDUE ECONOMIC HARDSHIP WAIVER REQUEST FORM CITY OF  
FREDERICKSBURG AND STAFFORD COUNTY ONLY**  
**Expanded Polystyrene (EPS) Food Service Containers Ban**

This form is to request an undue economic hardship waiver allowing your business or organization the ability to utilize single-use, EPS foam food service containers.

Prior to completing this request form, please review the law regarding requirements and eligibility. For more information about the law, regulations, undue economic hardship waiver, and exemptions, visit <https://www.deq.virginia.gov/our-programs/land-waste/litter-prevention/foam-free-resources>.

### **I. General Information**

Under the [Expanded polystyrene food service containers prohibited](#), **effective July 1, 2025**, no food vendor that is a restaurant or similar retail food establishment and is part of a chain with 20 or more locations offering for sale substantially the same menu items and doing business under the same name, regardless of the form of ownership of such locations, shall dispense prepared food to a customer in an expanded polystyrene food service container.

Beginning July 1, 2026, no food vendor of any type shall dispense prepared food to a customer in an expanded polystyrene food service container.

Food vendors that meet the eligibility criteria may request an undue economic hardship waiver for single-use, disposable foam food service containers through this form. Waivers granted will be valid for one year. The submission of this waiver request form does not guarantee approval of a waiver.

### **II. Eligibility Criteria**

A covered food vendor applies to any food vendor, which is defined as any establishment that provides prepared food for public consumption on or off its premises and includes a store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, or catering truck or vehicle; any other person who provides prepared food; and any individual, organization, group, or state or local government entity that regularly provides food as a part of its services. If you are not sure whether you are a covered food service provider, please email [rboard@staffordcountyva.gov](mailto:rboard@staffordcountyva.gov)

To be eligible to use this form, a covered food vendor must be located in or operating in the City of Fredericksburg, Virginia, or Stafford County, Virginia.

**Individuals, businesses, and organizations that do not meet the criteria specified in this section are not eligible to apply for an undue economic hardship waiver**

**For the purposes of this application, "undue economic hardship" means a situation in which (i) a food vendor has no reasonable alternative to the expanded polystyrene food service containers in use by that food vendor and (ii) compliance with subsection A would cause significant economic hardship to that food vendor.**



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### III. Instructions

All eligible covered food service providers and facilities must complete the entire application. Please answer each question on the request form. All applicants are required to submit the same financial documentation. Applications are evaluated using objective financial information and the board reserves the right to request additional documentation when necessary.

**In addition, the R-Board requires that all applicants submit the following documents:**

1. Last 3 months of foam container invoices
2. Two quotes for compliant alternatives
3. Most Recent Profit & Loss statement
4. Calculation of annual increased cost (how many containers to you use annually on average x foam container cost ---vs---# of containers x new container cost = annual increased cost).
5. Explanation of why the increase cannot be absorbed through pricing.

All information and documents for covered food service providers and facilities necessary for the R-Board to make a determination must be included. The R-Board reserves the right to request supporting documents in order to decide. **The R-Board cannot process a waiver** request unless ALL required information is provided; if you fail to complete all required parts of this request form, it will be returned to you for completion. If you have questions about the form, contact [rboard@staffordcountyva.gov](mailto:rboard@staffordcountyva.gov).

Information submitted for a waiver request may be shared publicly by the R-Board pursuant to the Virginia Freedom of Information Act (FOIA), unless you request that the R-Board except certain confidential business information from disclosure pursuant to applicable laws. *For information about the Virginia Freedom of Information Act (FOIA) visit:*

[https://staffordcountyva.gov/services/request/public\\_records\\_\(foia\).php](https://staffordcountyva.gov/services/request/public_records_(foia).php)

The R-Board may also share the information in the waiver request with the Virginia R-Board of Taxation and Finance or other relevant agencies to verify information submitted on the form.



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**IV. Judging Criteria (100 Points Total)**

**1. Message Clarity (25 points)**

- Was the "Economic Hardship Verification Information" section completed?
- Was the claim of economic hardship successfully demonstrated?

**2. Economic Hardship (50 points)**

- Is the economic hardship claim substantial?

**3. Accuracy of Information (25 points)**

- Facts presented are accurate (e.g., have proof such as receipts, inventory sheets, etc.).
- Avoids misleading or exaggerated claims.

**Judging Panel**

- There will be 3 judges to ensure accurate and fair judging.
- The judging panel will utilize the judging criteria.
- The name of the business will be hidden from the judges to ensure no bias.
- Judges' decisions are final.

**V. Undue Economic Hardship Waiver Renewals:** Covered food service providers and facilities who would like to renew an approved request must provide an updated request by filling out this form and checking the "renewal" box. Waiver renewal applications must be received by the R-Board at least 60 days prior to expiration dates listed on the previously approved waiver.

Please submit your completed application to [rboard@staffordcountya.gov](mailto:rboard@staffordcountya.gov)



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**Vendor Provider Information**

**General Information**

New Request       Renewal       Correction or Update

If this is a renewal please provide the ID number listed on your previously approved waiver:

Name of Business or Organization: \_\_\_\_\_

Primary Business Contact and Title: \_\_\_\_\_

Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Address of Business/ Organization**

Street Address \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ Zip code: \_\_\_\_\_



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**Economic Hardship Information**

Please explain how the purchase, distribution, or use of an alternative product would create an undue economic hardship.

**Economic Hardship Documentation**

Please email your completed application and the following documents. All applicants are required to submit the same financial documentation. Applications are evaluated using objective financial information, and the board reserves the right to request additional documentation when necessary.

The R-Board requires that all applicants submit the following documents:

- Last 3 months of foam container invoices
- Two quotes for compliant alternatives
- Most Recent Profit & Loss statement
- Calculation of annual increased cost (how many containers do you use annually on average x foam container cost ---vs---# of containers x new container cost = annual increased cost).
- Explanation of why the increase cannot be absorbed through pricing.



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**Certification**

I certify under penalty of law that the information provided on this form and all attachments were prepared by me or under my direction or supervision and are true, accurate, and complete to the best of my knowledge and belief. I understand that materially false, misleading, or inaccurate information contained in this form or attachments will be cause for denial of this waiver request or revocation of a waiver. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations, and that any false statement made herein is punishable as a Class A misdemeanor pursuant § 40.1-51.4:2. of the Code of Virginia.

I understand that food vendors cannot use disposable food service containers that contain expanded polystyrene foam in Virginia.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_