



**Date:** May 12, 2011

**To:** State Legislation Committee Members

**From:** Patrick H. West, City Manager

**Subject:** SB 568 (Lowenthal): Recycling: Polystyrene Food Containers

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For your information, attached is a fact sheet regarding SB 568 (Lowenthal). This legislation would prohibit food vendors in California from dispensing food using polystyrene food containers beginning January 1, 2014. The ban would apply to school districts beginning January 1, 2015. This bill is sponsored by Clean Water Action California.

Please contact Tom Modica, Director of Government Affairs and Strategic Initiatives at 8-5091 if you have any questions.

cc: Mayor and Members of the City Council  
Suzanne Frick, Assistant City Manager  
Reginald Harrison, Deputy City Manager  
Mike Conway, Director of Public Works  
Amy Bodek, Director of Development Services  
Tom Modica, Director of Government Affairs and Strategic Initiatives  
Jyl Marden, City Council Liaison  
Mike Arnold and Associates

Attachment  
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# **SB 568 (LOWENTHAL): RECYCLING:** **POLYSTYRENE FOOD CONTAINERS**

**INTRODUCED: FEBRUARY 17, 2011**

**MAY 2011**

## **Introduction**

The following is an analysis of SB 568 (Lowenthal), legislation that would implement a ban on polystyrene food containers. The bill is sponsored by Clean Water Action California.

## **Bill Summary**

SB 568 would prohibit food vendors in California from dispensing food using polystyrene food containers beginning January 1, 2014. The ban would apply to school districts beginning January 1, 2015.

## **Definitions:**

- A "polystyrene foam food container" is defined as "a container made of thermoplastic petrochemical material utilizing the styrene monomer, that is used or intended to be used to hold prepared food." Polystyrene foam food containers include, but are not limited to: a cup, bowl, plate, tray, or clamshell container that is intended for single use.
- "Food vendors" are defined as a food facility, including, but not limited to, a restaurant or retail food and beverage vendor located or operating within California. Pushcarts, vehicular food vendors, a caterer, a cafeteria, a store, a shop, a sales outlet, or other establishment, including a grocery store or a delicatessen are classified as "food vendors". Correctional facilities are not included in this legislation's definition of a "food vendor".
- "Prepared food" includes a beverage that is served, packaged, cooked, or otherwise prepared for consumption on or off the food vendor's premises. This definition excludes "raw, butchered meats, fish, or poultry that is sold from a butcher case or a similar retail appliance."

SB 568 does not preempt a local jurisdiction from adopting and enforcing additional single-use food packaging ordinances, regulations, or policies that are more restrictive than those in this bill.

## **Analysis**

According to the author, this legislation is necessary to ban polystyrene food containers, as expanded polystyrene poses significant problems in our waterways, storm drains and marine environment. Expanded polystyrene breaks down into small pieces, is lightweight and easily dispersible. It constitutes 15 percent of litter and 47 jurisdictions in California have already banned the use of expanded polystyrene food containers.

According to the Senate Environmental Quality Committee analysis, almost 90 percent of floating marine debris is plastic. Due to its durability, buoyancy, and ability to accumulate and concentrate toxins present in the ocean, plastic is especially harmful to marine life. Expanded polystyrene is a large portion of ocean and waterway debris for the same reason it is used as packaging; it is lightweight, durable and water resistant. Expanded polystyrene, like other plastics, does not biodegrade.

Organizations that have opposed this bill contend that banning expanded polystyrene food containers will not reduce litter. While expanded polystyrene litter may decline, it could also be

replaced with litter from the alternative packaging materials. The opposition also contends that expanded polystyrene is the best material for food packaging as it is lightweight, manages heat/cold well, and is inexpensive. In response to sustainability arguments, the opposition points to new uses that are emerging for recycling expanded polystyrene. The opposition cites that a few building supply companies are beginning to use recycled expanded polystyrene materials to construct baseboards, and moldings.

### **Supporters**

This bill is sponsored by Clean Water Action California. It has 36 registered supporters as of April 26, 2011, including:

- Clean Water Action California
- Los Angeles County Board of Supervisors
- City and County of San Francisco
- City of Encinitas
- City of Monterey
- City of Richmond
- California Coastal Commission
- Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
- Central Contra Costa Solid Waste Authority
- Marin Sanitary Service
- Napa Recycling and Waste Services
- Santa Clara County Board of Supervisors
- The Watershed Project
- Heal the Bay

### **Opposition**

Thirteen organizations have registered opposition against SB 568 as of April 26, 2011.

- American Chemistry Council
- California Chamber of Commerce
- California Film Extruders and Converters Association
- California Grocers Association
- California Manufacturers & Technology Association
- California Restaurant Association
- Dart Container Corporation
- Food Service Packaging Institute
- Industrial Environmental Association
- Oxnard Chamber of Commerce
- Practiv Corporation
- Society of the Plastics Industry
- The Dardanelle Group

### **Legislative History**

- Introduced in the State Assembly on February 17, 2011
- Passed Senate Committee on Environmental Quality (5-2) on April 4, 2011
- Ordered to third reading on April 25, 2011.