



**Date:** June 7, 2011  
**To:** Honorable Mayor and City Council  
**From:** Councilmember Patrick O'Donnell, Chair, State Legislation Committee  
**Subject:** **SENATE BILL 568 (LOWENTHAL) REGARDING POLYSTYRENE**

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The State Legislation Committee, at its meeting held Tuesday, May 31, 2011, considered communications relative to the above subject.

It is the recommendation of the State Legislation Committee that the City Council concur in the recommendations of the Committee to discuss and take action on Senate Bill 568 (Lowenthal) regarding polystyrene.

Respectfully submitted,

STATE LEGISLATION COMMITTEE

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Councilmember Patrick O'Donnell, Chair

Prepared by:  
Dina Lopez Wild



**Date:** June 7, 2011

**To:** Mayor and Members of the City Council

**From:** Patrick O'Donnell, Chair of the State Legislation Committee 

**Subject:** **Recommendation to consider a City position on Senate Bill 568 (Lowenthal) regarding banning polystyrene**

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On Tuesday, May 31, 2011, the State Legislation Committee held a meeting to discuss SB 568 (Lowenthal) and recommended consideration by the full City Council. This bill 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.

Additional information regarding this bill is included in the attached fact sheet.

**Fiscal Impact:** There is no additional fiscal impact in taking a legislative position on a bill, as resources are already budgeted for legislative advocacy.

**Recommendation:** Consider a City position on Senate Bill 568 (Lowenthal) regarding banning polystyrene.



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

INTRODUCED: FEBRUARY 17, 2011

JUNE 2011

## **Introduction**

The following is an analysis of SB 568 (Lowenthal), legislation that would implement a ban on polystyrene food containers beginning in 2014. 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. This bill includes a provision to allow cities to continue to allow polystyrene after 2014 if the City Council adopts an ordinance establishing a recycling program for polystyrene foam food containers for which, based on empirical data, there is a reasonable likelihood that at least 60 percent of the polystyrene foam food containers generated annually in the city will be recycled by that program.

SB 568 would 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.

A "polystyrene foam food container" as defined by this bill is "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.

## **Committee Analysis**

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 commonly seen in 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. In Long Beach, the cost to clean up the City's beaches is \$2.3 million annually. The City also dedicates approximately \$700,000 per year to maintain its storm drain systems.

**Supporters.** According to the author and bill supporters, this legislation is necessary to ban polystyrene food containers, as expanded polystyrene poses significant problems in our waterways, storm drains and marine environment. The author states that expanded polystyrene breaks down into small pieces, is lightweight and easily dispersible. Though some cities have instituted recycling programs to capture polystyrene, it is difficult to measure the amount of polystyrene actually recycled. This is because contaminated polystyrene, polystyrene with grease or other contaminants cannot be recycled, and are disposed of as municipal solid waste, even if it is collected in the recycling curbside container. The author contends that polystyrene constitutes 15 percent of litter and 47 jurisdictions in California have already banned the use of expanded polystyrene food containers.

**Opponents.** The Long Beach Chamber of Commerce opposes this bill on the basis that, "The City of Long Beach accepts polystyrene food service containers in their curbside recycling program." The Chamber further states that, "Legislation addressing takeout food packaging

should focus on recycling, help grow manufacturing jobs and reduce the already high restaurant operating costs.” The Chamber believes SB 568 does not accomplish those goals.

The Chamber and other organizations contend that banning expanded polystyrene food containers will not reduce litter. Opponents believe that the polystyrene will merely be replaced with litter from alternative packaging materials. Additionally, opponents believe that new uses for recycling expanded polystyrene are emerging; one such example of a new use for polystyrene is for the construction of building supplies, specifically, baseboards, and moldings.

### **Recycling in Long Beach**

The City of Long Beach currently does have a polystyrene recycling program. The City’s curbside collection program collects multiple types of polystyrene, and is not limited to only food containers. It is currently not possible to determine if the City recycles 60 percent or more of food containers, as the total amount of food containers utilized in Long Beach is unknown, and the City’s program recycles more than just food containers. Additionally, not all polystyrene that is collected can be recycled. Many times, polystyrene food containers are contaminated (oils from food, leftovers, etc). and therefore, though even though the resident may have disposed of the polystyrene in the recycle bin, the City must sort out contaminated polystyrene and dispose of it as solid municipal waste.

### **Supporters**

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

- 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
- Heal the Bay

### **Opposition**

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

- Long Beach Chamber of Commerce
- California Chamber of Commerce
- California Grocers Association
- California Manufacturers & Technology Association
- California Restaurant Association
- Oxnard Chamber of Commerce
- Society of the Plastics Industry

### **Legislative History**

- Introduced in the State Assembly on February 17, 2011
- Passed Senate Committee on Environmental Quality (5-2) on April 4, 2011
- **Status:** Ordered to third reading on May 24, 2011. Awaiting Senate floor vote.



**City of Long Beach Memorandum**  
*Working Together to Serve*

## REQUEST TO ADD AGENDA ITEM

**Date:** *June 3, 2011*

**To:** Larry Herrera, City Clerk

**From:** *Councilmember Patrick O'Donnell*

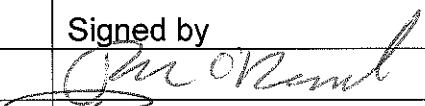

**Subject:** Request to Add Agenda Item to Council Agenda of *June 7, 2011*

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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

**Consider a City position on Senate Bill 568 (Lowenthal) regarding banning polystyrene.**

Council District	Authorizing Councilmember	Signed by
4	Patrick O'Donnell	
1	Robert Garcia	
7	James Johnson	