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●●● Innovative solutions for a sustainable future

April 17, 2018

The Honorable Robert Garcia and Members of the City Council  
333 West Ocean Blvd  
Long Beach, CA 90802  
mayor@longbeach.gov

Re: Item – Polystyrene Ban

Dear Mayor Garcia and Members of the City Council:

The EPS Industry Alliance is the North American trade association representing the building insulation and packaging sector of the expanded polystyrene (EPS) industry. Our products are used as high-performance building insulation and protective packaging.

We understand that the Council may soon be considering a polystyrene ban. In January, we attended the Grover Beach City Council meeting to provide facts on EPS recycling and the environment. At the time of the hearing, the City Council had been provided a great deal of misinformation and misleading references upon which they based their decision to ban EPS.

Long Beach, and every other jurisdiction, has broad discretion to enact legislation aimed at a legitimate state end such as litter reduction, recycling, landfill diversion, marine debris, waste management and health and safety of citizens. Banning a material like EPS that is 100% recyclable, less than 1% of the waste stream by weight or volume and approved for food contact and replacing it with an alternative material that may not be recyclable, may contain PFOA coatings, may have higher embodied energy and a greater environmental impact is a decision that should be made after a full assessment has been made to understand if the intended environmental gains would, in reality, be achieved.

The EPS Industry Alliance recently met with CalRecycle to begin discussion aimed at meeting the state's aggressive waste reduction goals and build upon California's EPS recycling programs, including over 50 curbside access points for citizens. The EPS industry and recyclers want the opportunity to progress their recycling efforts without the onus of additional local bans which actually deter recycling.

Waste management, litter reduction, recycling initiatives and proper legislative responses are complex issues with multiple interrelated scientific solutions. On [August 15, 2017 Packaging Digest](#) published an article examining the effects of attempts to replace a material. Information in the article addresses concerns such as the misinterpretation of scientific reports and data. For example, litter studies commonly define "foam" to include cellulose acetate (cigarette butts), expanded polypropylene, polyurethane and extruded polystyrene. None of these materials are EPS. By the time the study is presented to legislators as a bullet point in a fact

sheet, the entire category is attributed to EPS. Careful review of the original source documents, and not the bullet point summation, is warranted by the complexity of the issues.

Case studies and the experience of other cities on whether bans have any positive effect should also be fully considered. An inherent characteristic of packaging is that it is shipped somewhere other than where it is initially used. An [article in the San Francisco Chronicle](#) referred to the increase in packaging material in that city as the Amazon Effect. Notwithstanding the recently enacted ban on non-recyclable packaging and EPS (which is recyclable), San Francisco still has EPS in its waste stream.

Rather than enact a material ban based upon misleading and inaccurate summaries of studies and reports, the Long Beach City Council should examine both the unintended consequences and possible better solutions. For these reasons, it is respectfully requested that Long Beach permit a full consideration of the facts.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. A. Reiter, III, Esq.', with a stylized flourish at the end.

Walter A. Reiter, III, Esq.  
Deputy Director/Counsel  
EPS INDUSTRY ALLIANCE

cc: Monique De La Garza, City Clerk  
cityclerk@longbeach.gov