

Polystyrene Foodware Ordinance — Long Beach City Council

October 17, 2017

Introduction

- **December 20, 2016 Council Action**

1. Refer to Environmental Committee to conduct public outreach with community stakeholders prior to drafting an ordinance;
2. Request City Attorney to draft an ordinance related to banning expanded polystyrene and other polystyrene disposable food service containers;
3. Request City Staff to develop a public education campaign related to the ban;
4. Request Economic Development Commission to develop financial incentives for local businesses.



What is Polystyrene?



- **Expanded Polystyrene (EPS) Foam:**
 - Petroleum-based plastic polymer made from styrene
 - EPS foam is made of pre-expanded polystyrene beads
 - Used for packaging and insulation purposes
 - EPS is lightweight, consisting of ~95% air
- **Styrofoam:** a trademarked brand of EPS that is owned by Dow Chemical. The term is often used generically (e.g., Kleenex, Band-Aid).
- **Rigid Polystyrene:** A non-expanded form of polystyrene plastic that is thin and rigid, used in a similar manner as other rigid food-grade plastics. May be clear or colored.



Why – 3 Purposes for Ordinance

1. Litter Prevention

- Prohibit EPS foam foodware
 - Uniquely problematic as litter – ‘microplastics’

2. Protect Public Health

- Prohibit rigid polystyrene (#6)
 - National Institute of Health: styrene ‘reasonably anticipated human carcinogen’

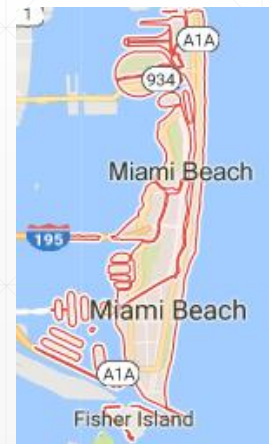
3. Waste Reduction

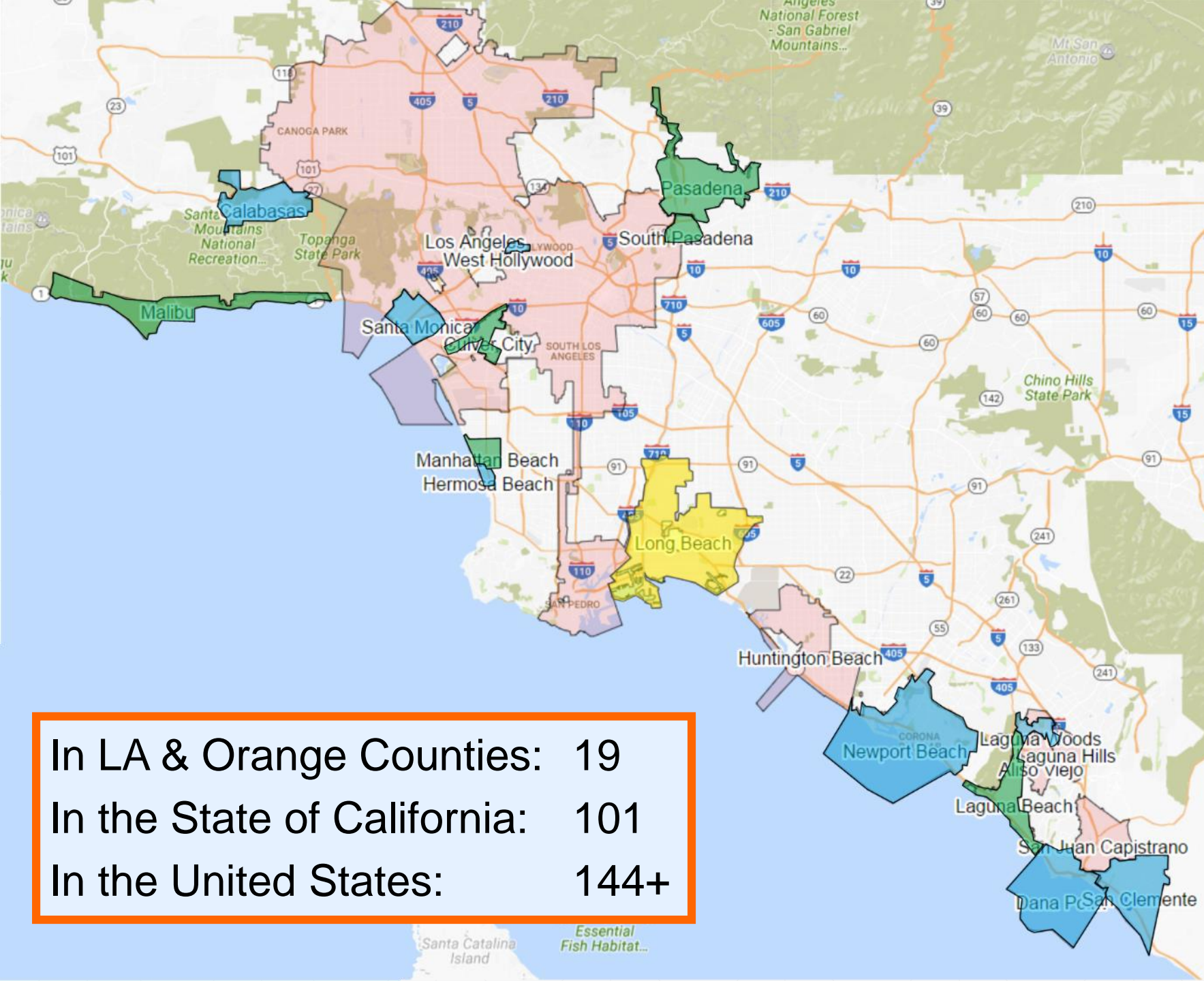
- Food/beverage containers must be either reusable, recyclable or compostable
 - Food-contaminated EPS is not recyclable



Polystyrene Ordinances

- ***How common are single-use polystyrene foodware regulations?***
 - Statewide: 101 CA jurisdictions as of May 2017
 - Nationally: About 43 jurisdictions - AK, MN, FL, MD, MA, NY, SC, OR, WA and TX.
- ➡ ***Many of these are adjacent to major waterways***
- In total, about **144 U.S. jurisdictions** limit single-use polystyrene foodware, citing reasons such as litter prevention, public health & waste reduction.





Cities With Polystyrene Regulations:

Public Facilities:

- San Juan Capistrano (2004)
- Aliso Viejo (2005)
- Huntington Beach (2005)
- Los Angeles City (2008)
- Laguna Hills (2008)

Public Facilities & Food Establishments:

- West Hollywood (1990)
- Santa Monica (2007)
- Calabasas (2008)
- Newport Beach (2008)
- San Clemente (2011)
- Hermosa Beach (2012)
- Dana Point (2012)
- Laguna Woods (2012)

Public Facilities, Food Establishments & Retail:

- Malibu (2005)
- Laguna Beach (2008)
- Manhattan Beach (2013)
- Pasadena (2016)
- South Pasadena (2016)
- Culver City (2017)

Under Consideration:

- ❑ Long Beach (2017)

In LA & Orange Counties: 19
 In the State of California: 101
 In the United States: 144+

Opportunities for Stakeholder Input

- December 20, 2016 - **City Council Meeting**
- February 21, 2017 - **Environmental Committee**
- March 23, 2017 - **Sustainable City Commission**
- March 28, 2017 - **Economic Development Commission**
- May 30, 2017 - **Economic Development Commission**
- June 13, 2017 – **Environmental Committee**



Stakeholder Input Recommendations

- **Environmental Committee:**

- Targeted outreach to restaurants about the recyclability of polystyrene foodware, including City partnership with polystyrene manufacturers for business outreach and public education;
- An ordinance implementation timeline that includes a ‘phased-in’ approach, giving small businesses an additional grace period to reach compliance;
- The placement of additional public litter containers in coastal areas;
- Litter “hot spot” cleanups undertaken by polystyrene manufacturers on a monthly basis as identified by Public Works;
- Examination of material recovery and secondary sorting opportunities;
- As an alternative to a Citywide ban, consider a ban at City parks, beaches and businesses within 500 feet of a public beach;
- Support of statewide regulations on polystyrene foodware, as well as partnership with Los Angeles County and jurisdictions upstream of the Los Angeles and San Gabriel Rivers.

Stakeholder Input Recommendations

- **Economic Development Commission:**

- Phased-in policy that would give businesses and City government a one or two year grace period for compliance, and businesses with financial hardship (potentially based on annual gross sales) given an additional six month grace period;
- A robust education campaign, to commence after the adoption of the ban, in which multiple City Departments and Commissions conduct outreach about the ban, provide resources for compliant foodware products, and promote existing financial resources for small businesses;
- Financial incentives, such as grants, that offset costs for businesses that voluntarily comply before implementation;
- Utilization of the City's Green Business Recognition Program, regarding qualification for grants and additional business recognition;
- Coordination with business orgs to develop a cooperative purchasing program to reduce the costs of compliant foodware products based on economies of scale;
- An administrative citation procedure for enforcement of the ban after the grace period has ended, and any funds received from citations to be allocated toward additional education, enforcement, or financial incentives.

Stakeholder Input Recommendations

- **Sustainable City Commission:**

- The concept of sustainability connecting environmental protection and business through efforts that foster a thriving green economy;
- Inclusion of Long Beach Unified School District in the ban;
- Support of banning items based on recyclability and compost-ability to address concerns about environmentally problematic polystyrene substitutes;
- Include straws in the ordinance, through provision requiring restaurants to only provide straws upon request;
- Comparison of alternatives to polystyrene, in regards to cost, natural resource use, recyclability, biodegradability, and development of local green jobs;
- Emphasis on strong public education components that focus on small businesses, non-English speaking business communities, and the public encouragement of “Bring Your Own” reusable containers;
- Integration of polystyrene ban compliance into the City’s Green Business Recognition Program;
- The connection of the ban’s proposed framework with existing State mandates AB 341 and AB 1826, which require businesses to recycle and compost food waste.

Single-Use Foodware Items for Proposed Ordinance

EPS food/beverage containers (Prohibited)



Rigid (#6) polystyrene food/beverage containers (Prohibited)



Non-recyclable food & beverage containers (Prohibited)

Composite
plastics (no
number)



Plastic-coated
paper (non-
compostable)

Environmentally Acceptable Alternatives

Reusable Foodware

For businesses (in-house)



For the public (Bring Your Own)

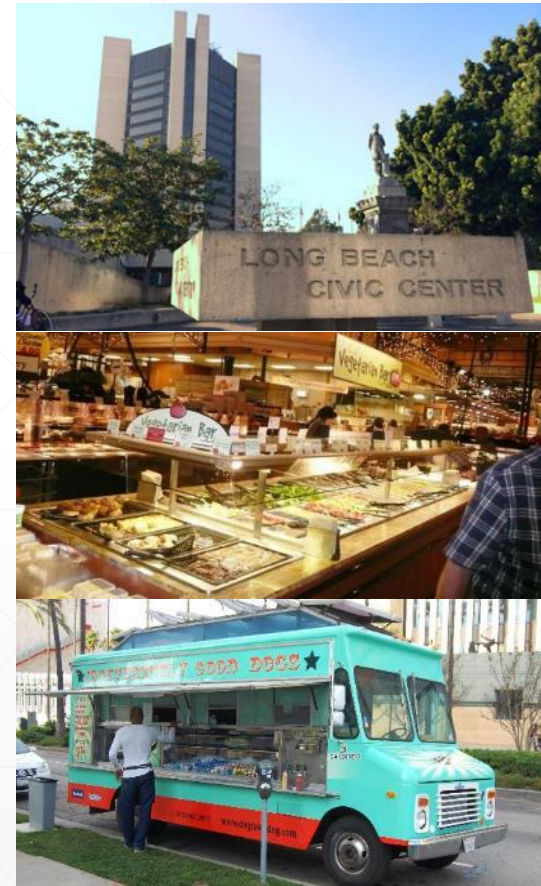
Recyclable or Compostable



Establishments Covered in Proposed Ordinance

Proposed Ordinance prohibits distribution of single-use food & beverage containers made of EPS, PS (#6) and non-recyclable/compostable material at:

- **All City facilities**
 - City departments & venues, City-permitted events
- **Food establishments:** sell or provide food and/or beverage for immediate consumption or to-go.
 - *Brick & mortar:* restaurants, bars, cafes, coffee shops
 - *Mobile:* food trucks, food vendors at events, caterers
 - *Grocery stores:* prepared food sections only – deli, “hot food” or “to go” counter
 - *Other:* prepared food service only – hotels, hospitals, schools (LBUSD), cafeterias, nursing homes, food shelves, etc.



Phased-In Approach

3 months after adoption

City Government

- City departments
- City-owned and leased facilities
- Renters or lessees of City properties
- City contractors & vendors while doing business with the City
- City-sponsored events
- City-permitted events

9 months after adoption

Prepared Food Sales

Large businesses

- “Food establishments” that sells food and/or beverage to-go or for on-site consumption.
- Restaurants (over 30 seats or franchised), food stands, grocery stores (prepared food only), delis, food trucks, coffee shops, schools (LBUSD) etc.

15 months after adoption

Prepared Food Sales

Small businesses

- “Small” food establishments will be granted an extra 6 month grace period.
- “Small” based on 30 or fewer seats (per Health Dept. licensing categorization for restaurants & bars)

Ongoing (throughout)

Exemptions

- To exhaust existing polystyrene inventory
- If under contract to purchase banned foodware containers
- No reasonable alternatives (case-by-case basis)
- Other “undue hardship” as granted by PW Director

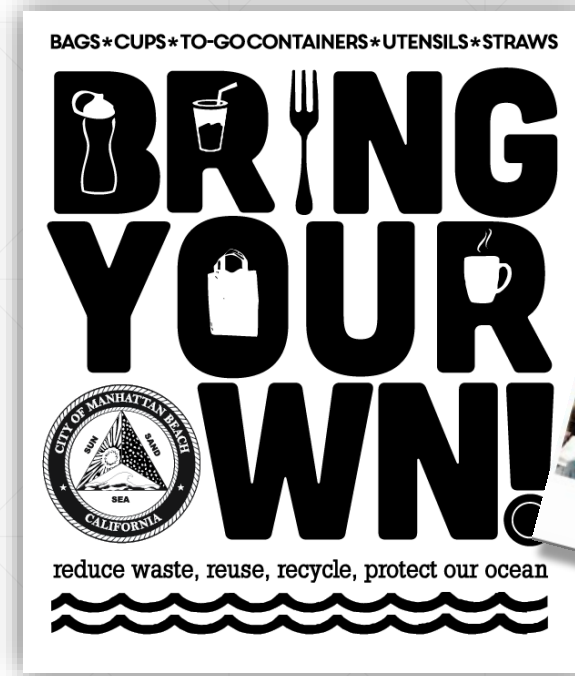
Economic Incentives

- **Economic Development Commission recommendations:**
 - Phased-in approach with small business grace period
 - Educational & enforcement components
 - Undue hardship clause for temporary compliance waiver
- **Incentives for businesses that comply before required by ordinance**
 - Green Business Recognition Program – promote businesses that comply early
 - One-time reimbursements (City of Encinitas model)
- **Other opportunities:**
 - Cooperative purchasing via GreenTown Los Altos



Education and Assistance

- Educational campaign to support phased-in approach:
- **Education for Businesses**
 - FAQs, acceptable items, distributors
 - Promotion of economic incentives
 - Multi-lingual print materials
 - Hotline for questions & assistance
- **Education for Public**
 - Promote reusable containers & zero waste



Compliance Provisions

- Ensuring compliance is essential to effective implementation
- **Enforcement integrated into current City operations**
 - ESB hotline/web form for public to report violations
 - Education and compliance integrated into food facility inspections conducted by City Health & Human Services Dept.
 - Regular food facility inspections at least once per year
 - Inspections also at special events (food vendors)
 - Enforcement structure based on administrative citation procedure
- Procedure for temporary exemption due to undue hardship



Summary of Recommendations

- For proposed ordinance to include a ban of single-use food service containers made of EPS, rigid PS (#6) and non-recyclable/compostable materials.
- A “phased in” approach, starting with City facilities (3 months after adoption), adding large food establishments (6 months later), and small food establishments (additional 6 months later).
- Robust education programs and enforcement provisions to ensure successful and effective implementation.

The goal of this ordinance is to reduce litter on our streets and beaches, prevent pollution in our ocean and natural habitats, protect public health, and reduce waste.



Questions?
