



Date: October 12, 2017

To: Patrick H. West, City Manager *T.H.W.*

From: *C.A.B.* Craig A. Beck, Director of Public Works

For: Mayor and Members of the City Council

Subject: Stakeholder Input on Proposed Polystyrene Foodware Ordinance

At its December 20, 2016 meeting, the City Council expressed its desire to ban expanded polystyrene and other polystyrene disposable food service containers in Long Beach, and requested that staff gather stakeholder feedback and prepare recommendations relating to such a ban. On October 17, 2017, staff will report back to the City Council with recommendations for ordinance provisions, an implementation timeline, an overview of educational strategies, and economic incentives being developed to support the ordinance implementation.

This past spring, staff provided several presentations of draft provisions for the purpose of receiving stakeholder input. Staff received feedback during the following five public meetings:

- February 21 and June 13, 2017 - Environmental Committee
- March 23, 2017 - Sustainable City Commission
- March 28 and May 30, 2017 - Economic Development Commission

Community stakeholders that participated in this process included residents, neighborhood groups, environmental advocacy groups, litter cleanup organizers, local business owners and employees, the foodservice packaging industry, and business associations. City Council Committee members and Commissioners received staff presentations and public comment, asked questions, and provided further feedback to staff. A summary of discussions at these meetings is provided below.

Environmental Committee – February 21 and June 13, 2017

On February 21, the Environmental Committee received a staff presentation regarding the framework for a polystyrene foodware ordinance. The Committee received public comment and approved the recommendation to receive the update. After City staff received additional stakeholder input during several Commission meetings, the Committee reconvened on June 13 to receive an update from staff. During Committee discussion and public comment, several additional considerations were articulated:

- Targeted outreach to restaurants about polystyrene foodware recycling, 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; and,
- 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.

On June 13, 2017, the Environmental Committee approved a motion to receive an update on the polystyrene ban from the Environmental Services Bureau and refer the item back to the City Council.

Economic Development Commission – March 28 and May 30, 2017

On March 28, the Economic Development Commission received a staff presentation regarding the framework for a polystyrene foodware ordinance. Commissioners made several inquiries to staff, received public comment, and laid the item over. On May 30, Commissioners conducted a study session that included a presentation by staff that addressed the Commission’s inquiries during the March 28 meeting. From this, the Commission produced the following recommendations:

- A 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 additional costs for businesses that voluntarily comply before the end of the grace period;
- Utilization of the City’s Green Business Recognition Program;
- Coordination with business organizations to develop a cooperative purchasing program to reduce the costs of compliant foodware products based on economies of scale; and,

- An administrative citation procedure for enforcement of the ban after the grace period has ended, funds received from citations to be allocated toward additional education, enforcement, or financial incentives.

On May 30, 2017, the Economic Development Commission approved a motion to conduct a Study Session on the proposed polystyrene ban policy.

Sustainable City Commission – March 23, 2017

On March 23, the Sustainable City Commission received a staff presentation regarding the framework for a polystyrene foodware ordinance and received public comment on the topic. During Commissioner discussion, the following points were addressed:

- 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;
- Inclusion of straws in the ordinance, through an additional 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; and,
- 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.

On March 23, 2017, the Sustainable City Commission approved a motion to receive a presentation from the Environmental Services Bureau about the Environmentally Acceptable Food Packaging Ordinance.

The attached is a letter from the Sustainable City Commission expressing its support for an expanded polystyrene ban in Long Beach.

All information discussed at the above meetings helped staff to develop recommendations for the prohibition of single-use food and beverage containers made of expanded polystyrene foam, rigid polystyrene #6, and non-recyclable and non-compostable material for prepared food distribution. Staff integrated feedback, including educational strategies for outreach to businesses, a ‘phased-in’ approach with a grace period for small

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businesses, economic incentives and recognition for businesses the comply early, and an administrative citation procedure for enforcement, among other provisions.

If you have any questions, please call Diko Melkonian, Environmental Services Bureau Manager, at (562) 570-2856.

Attachment

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
REBECCA JIMENEZ, ASSISTANT TO THE CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #17-0948 AND #16-1150)

Sustainable City Commission

October 10, 2017

Honorable Mayor and City Council
City of Long Beach
333 West Ocean Boulevard, 14th Floor
Long Beach, CA 90802

Subject: Letter of Support for an Expanded Polystyrene Ban

Dear Mr. Mayor and City Council,

The Sustainable City Commission received a presentation from Environmental Services Bureau staff on March 23rd, 2017 on their recommendations for a city-wide policy to ban expanded polystyrene (EPS). The Commission would like to commend city staff for their efforts and express its support of this policy and its goals of reducing litter, pollution in our ocean, and trash in our waste stream. The Commission requests City Council consider additional recommendations for this policy:

- **Include straws in the ban.** This could be as simple as creating a restaurant policy to only provide straws when requested. This policy would add no additional costs to businesses, and would actually save them money while reducing waste and pollution.
- **Focus on characteristics of materials rather than one type of material.** Creating a ban that covers all materials not recyclable or biodegradable would ensure EPS is not replaced by another environmentally problematic material, and support a market for the most sustainable materials.
- **Concentrate effort to reach immigrant-owned and small businesses,** particularly in non-English-speaking communities. It is an issue of social justice to ensure these communities receive the support they need during the policy transition.
- **Include LBUSD in the ban.** The City of Long Beach should include LBUSD in this legislation. The business community will be more likely to accept the new policy if it applies equally to the whole city.

The business community expressed concerns over the additional costs EPS alternatives would create. The Commission believes the cost of these items is worth paying to avoid hidden public and environmental costs related to disposal of EPS waste. Consumers have shown they are willing to pay the small additional charge for plastic bag alternatives or bring their own bag; they will be equally willing to pay for sustainable to-go containers or bring their own. Nevertheless, many jurisdictions have addressed this concern by including a waiver provision for businesses that can show financial hardship in complying with similar Ordinances.

Environmental protection and business need not be at odds. A thriving economy is one which provides for people's needs while conserving its natural resources for generations to come. The Commission believes this ban is a positive step towards a thriving green economy in Long Beach.

Sincerely,



Coby Skye

Chair, Sustainable City Commission