



**Date:** June 5, 2006  
**To:** Mayor and Members of the City Council  
**From:** Gerald R. Miller, City Manager *by GJR*  
**Subject:** **POLYSTYRENE FOAM FOOD PACKAGING IN CITY CAFETERIA, MUNICIPAL FACILITIES, AND CITY EVENTS**

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### **BACKGROUND**

During the December 18, 2005 City Council meeting, a report was requested on the budget considerations and feasibility of eliminating the use of polystyrene foam food packaging (commonly referred to as Styrofoam, a trademark name) from our City Hall cafeteria, municipal facilities, and City-sponsored events. Additionally, the City Council requested information on what other cities and counties have done in regards to banning polystyrene foam food packaging and how they have implemented such bans.

### **FINDINGS AND PURPOSE**

Expandable polystyrene products constitute a huge litter and ocean pollution problem. Because it is so light, it floats in water and is easily blown from place to place, even when disposed of properly. It also does not biodegrade in the environment, but merely breaks down into smaller particles that litter the city's streets, parks, beaches and ocean.

The litter problem resulting from polystyrene foam food packaging is becoming increasingly difficult to manage and has costly negative implications for tourism, wildlife, and most recently, public storm drain systems. It is recognized that certain problems can exist with other packaging materials; however, paper, aluminum, glass and other alternative products pose far less threat to the environment than polystyrene foam.

It is estimated that one polystyrene foam container used today will still remain in our landfills approximately 500 years from now. As such, many cities and counties have adopted resolutions banning the use of polystyrene foam food packaging at city events and municipal facilities.

### **ORANGE COUNTY CITIES**

The 1999-2000 Orange County Grand Jury report entitled, "The Rainy Season's First Flush Hits the Harbors of Orange County," strongly recommended that the County of Orange and the cities within it institute a procedure to substantially reduce the use and sale of disposable plastics and expandable polystyrene.

Just like our marinas, Huntington Harbor and Newport Harbor, and to a lesser extent Dana Point Harbor, become choked with varying amounts of debris every year following the first significant rainfall of the season. Significant amounts of this pollution degrade the harbors through April, when Southern California normally enters the dry season. Eventually, some of the trash is swept into the ocean where much of it washes up on the Orange County beaches. Most of these unsightly, unhealthy, and hazardous materials enter the harbors of Orange County through flood control channels maintained by the County and by city- and County-maintained storm drains.

In response to the Grand Jury's report, San Clemente, Laguna Hills, Huntington Beach, and San Juan Capistrano passed city resolutions prohibiting the use of plastic foam cups and containers at municipal facilities and events to reduce litter, improve water quality and protect wildlife. Aliso Viejo, Laguna Beach, Irvine and Laguna Woods are also considering resolutions at this time. Laguna Beach might take the ban a step further by prohibiting the use of plastic foam products in restaurants.

For these cities, the resolution measures were simply incorporated into existing Administrative Regulations, which were applicable to all City Manager departments. In the case of leases, wording was added directly into the lease, which banned the use of Styrofoam. Education and enforcement occurred at the time of annual Health Inspections and Business License filings. Also, education was included in current City education programs regarding recycling and related environmental efforts.

**ELIMINATING POLYSTYRENE FOAM IN LONG BEACH – (Municipal Facilities and City-Sponsored Events)**

As in Orange County cities, Long Beach has a perpetual problem with debris on its beaches and streets. The Los Angeles River empties near downtown in a curving pattern so that litter washed downstream tends to collect inside the breakwater and onshore. At the southeast end of town is the San Gabriel River, from which litter is also pushed back to shore by south swells slipping past the breakwater. After a storm, the beaches collect tons of debris requiring bulldozers to pile it up and dump trucks to haul it away.

The Long Beach Parks, Recreation and Marine Department is responsible for maintaining a clean and healthy shoreline. The Department provides daily litter and debris abatement (mechanized sand raking) for each of the City's beaches. This sand raking is effective in removing large items of debris, but smaller items and pieces of trash remain. The polystyrene foam trash and debris on our beaches and waterways make it difficult for City staff and community volunteers to keep the beach litter free. On the third Saturday of every month, after major

holidays and after large rainstorms, volunteers of the 30-Minute Beach Cleanup collect dozens of bags of debris, including glass, plastic, polystyrene foam food packaging materials and countless cigarette butts.

As we work towards preserving our local environment and becoming a more sustainable city, it is important for us to eliminate the use of polystyrene foam food packaging from our cafeteria, other municipal facilities and city events.

### **FINANCIAL IMPLICATIONS AND IMPLEMENTATION ISSUES**

Staff surveyed municipal facilities to: (1) identify how prevalent polystyrene foam food packaging use is; and (2) determine the impacts of banning the product use on City property. The following are the survey results:

1. **City Hall Cafeteria**- Ollie Ross (Operator), on behalf of the State of California Department of Rehabilitation, Business Enterprise Program, operates the cafeteria on the Lower Level of the City Hall. Polystyrene foam is utilized in the cafeteria in the form of small plates and cups for hot/cold self serve beverages, hot soup, made-to-order sandwiches, and pre-packaged refrigerated sandwich items.

The City's permit with the State requires that the Operator comply with all state, county and local laws and regulations. If a ban were implemented, the impact to the cafeteria would be as follows:

- Made-to-order sandwiches would be provided on paper plates.
- An alternative cup would be procured for hot/cold beverages and soups. Converting to paper or plastic would increase the Operator's cost by 40 percent, all or part of which would be passed to the customer.
- An alternative company for pre-packaged sandwiches would be utilized that does not use polystyrene foam containers. If there is no other option, this could limit pre-packaged food options for consumers, although, pre-packaged sandwiches are not a large part of the concession sales.

Mr. Ross has already begun taking steps to eliminate polystyrene foam food packaging use in his operation. The current use is minimal. Staff recommends amending the cafeteria lease after it expires in June 2006, prohibiting the use of polystyrene foam food packaging in the operation of the facility.

2. **Municipal Facilities-** Staff reviewed current contracts with concessionaires, and food providers (such as the provider of meals for the Long Beach jail facility) to determine if the City currently purchases large quantities of polystyrene foam food packaging products for use at parks, the jail, and the airport. Polystyrene foam products were not identified in any of the contracts.

In an effort to mandate this ban for all future contracts, it is recommended that the City Attorney's office insert language enforcing the ban of polystyrene foam food packaging products on all City contracts, regardless of the dollar amount, within the general terms and conditions. By including this ban in the City's terms and conditions, it will be enforceable on all City contracts including small dollar department orders (which still require agreement to the City's terms and conditions). This language should be administratively inserted in the City's Purchasing Policy to explain the City Attorney's action and include flow-down requirements for subcontractors and/or concessionaires.

Once the terms and conditions have been updated, the ban can immediately be enforced on all new contracts. If there are existing contracts that need to be addressed, it should be done on an individual basis. Staff can work with the City facility to determine if immediate action can be taken or if the matter can be addressed at the time of the annual renewal option.

All future rental agreements for usage of any City-owned property should require that contracting parties assume responsibility for preventing the utilization and/or distribution of polystyrene foam products by any attendee or vendor at the associated function. The rental agreement can indicate that the violating contractor's security deposit can be forfeited if it is determined that such products were utilized in violation of the rental agreement.

3. **City-Sponsored Events-** The use or distribution of polystyrene foam food packaging products at special events that are sponsored or co-sponsored by the City of Long Beach can be prohibited. This prohibition could apply to the event organizers, agents of the event organizers, event vendors, and any other party (including non-profit organizations) who enter into an agreement with the co-sponsors of the event to sell goods or beverages at the event or otherwise provide an event-related service. However, the prohibition on the use of polystyrene foam products cannot be enforced on individuals who are attending the function solely as a visitor or spectator.

The goal of the survey was to get an understanding of the economic impact of banning polystyrene foam food packaging products on City property. The survey

concludes that the passage of a polystyrene foam food packaging ban would have very little fiscal impact. Most respondents confirmed that if they had to switch to more expensive products, they would pass the increase along to their customers.

**RECOMMENDATION**

It is recommended that the City Council pass a resolution prohibiting the use of polystyrene foam food packaging products at city facilities and city-sponsored events. Upon passage, the City's Purchasing Policy, new city contracts and leases, upon expiration or amendment, would be revised to include language prohibiting such use.

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