

PROPOSED LONG BEACH BAN:

No Reduction in Litter or Landfill Waste; Harms Long Beach Small Restaurants

Bans Do Not Reduce Trash: Not All Bans Are Equal

The State Water Resources Control Board found that bans on single-use products “would not reduce trash.” In its final trash report in April 2015, it encouraged municipalities to enact policies that would achieve statewide goals and specifically stated that a ban on single use takeout items would not reduce trash generation.

“Contrary to ordinances or laws that prohibit distribution of plastic carry-out bags, which are typically accompanied with requirements and/or incentives to utilize reusable bags to avoid a product-substitution effect, other types of product bans enacted by an ordinance, such as take-out items, may involve a substitution of the banned item. Mere substitution would not result in reduced trash generation if such product substitution would be discarded in the same manner as the banned item. Any such product ban enacted by an ordinance that would not reduce trash would not assist in achieving compliance.”

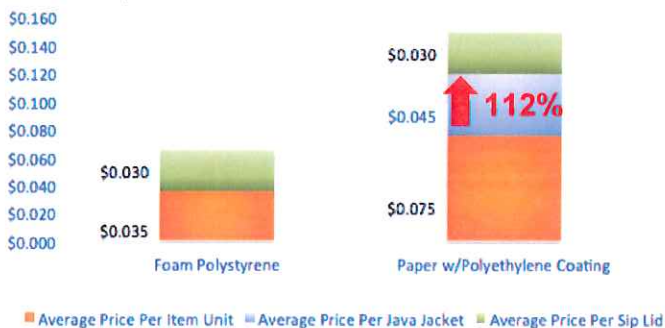
Proposed Ban Adversely Impacts Long Beach’s Smallest Restaurants

Over 120 Long Beach restaurant owners have written letters to oppose the proposed ban. A large majority of these owners operate small restaurants with their families or a small number of employees.

Proposed Ban Will Increase Costs by 54%-145%

The California Restaurant Association commissioned Retail Data LLC to do a price comparison analysis of takeout items across Los Angeles County.

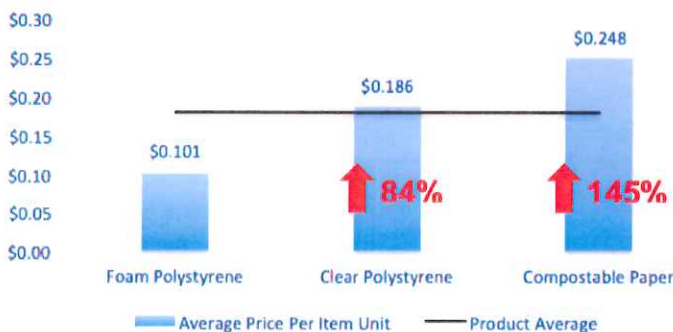
16 Ounce Disposable Hot Cups and Lids



16 Ounce Disposable Cold Cups and Lids



9 Inch Hinged Food Containers



Final Staff Report

Including the Substitute Environmental Documentation

**Amendment to the Water Quality Control Plan for
the Ocean Waters of California to Control Trash
and Part 1 Trash Provisions of the Water Quality
Control Plan for Inland Surface Waters, Enclosed
Bays, and Estuaries of California**



DIVISION OF WATER QUALITY
STATE WATER RESOURCES CONTROL BOARD
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

louvered sections have access doors for cleaning with vacuum truck or other equipment. Under most placement conditions the goal would be to capture within the casing one year's volume of litter. This device has been configured with an overflow/bypass for larger storm events and if the unit becomes plugged.

Inclined Screen Devices

Two Inclined Screen Devices have been developed. Each device requires about one meter (three feet) of hydraulic head and is better suited for fill sections. In the Type 1 device, the storm water runoff flows over the weir and falls through the inclined bar rack. The screen has five millimeter maximum spacing between the bars. Flow passes through the screen and exits via the discharge pipe. The trough distributes influent over the inclined screen. Storm water pushes captured litter toward the litter storage area. The gross solids storage area is sloped to drain to prevent standing water. This device has been configured with an overflow/bypass for larger storm events and if the unit becomes plugged. It has a goal of litter capture and storage for one year. The Type 2 Inclined Screen only comes in a sloped sidewall version.

5.2 Institutional Controls

The non-structural actions likely to be used for compliance with the final Trash Amendments include institutional controls. These types of actions are methods to control trash loading to state waters and may include enforcement of existing litter laws, increased street sweeping, cleaning of storm water conveyance structures, such as catch basins and storm drain inlets, and ordinances.

Institutional controls may also offer societal benefits that are associated with reducing litter in our city streets, parks and other public areas. For example, institutional controls employed by the City of Los Angeles for the Los Angeles River Watershed trash TMDL have demonstrated a 12.5 percent reduction in the total WLA (Black & Veatch 2012). Institutional controls can typically be implemented in a relatively short period of time. The capital investment required to implement institutional controls is generally less than for full capture systems.

The final Trash Amendments define "institutional controls" as follows:

Institutional controls are non-structural best management practices (i.e., no structures are involved) that may include, but not be limited to, street sweeping, sidewalk trash bins, collection of the trash, anti-litter educational and outreach programs, producer take-back for packaging, and ordinances.



"Regulatory source controls" was previously included within the definition of institutional controls in the proposed Trash Amendments as one of the several treatment controls that could be utilized by MS4 permittees with regulatory authority over priority land uses to comply with the prohibition of trash under Track 2. In turn, "regulatory source controls" was previously defined in the proposed Trash Amendments as:

Institutional controls that are enforced by an ordinance of the municipality to stop and/or reduce pollutants at their point of generation so that they do not come into contact with storm water. Regulatory source controls could consist of, but not be limited to, bans of single use consumer products.

Regulatory source controls were generally proposed as a tool for MS4 permittees to enact ordinances. A primary type of regulatory source control contemplated by this Policy was a bag ban ordinance to prohibit retailers from distributing carry-out plastic bag. The proposed final Trash Amendments omit regulatory source controls (and its definition) as a method for demonstrating Track 2 compliance.

The proposed Final Staff Report retains "ordinances," however, as a permissible type of institutional control an MS4 permittee could employ to achieve compliancy with Track 2 (even though the proposed final Trash Amendments removed "regulatory source controls" as a permissible method). Contrary to ordinances or laws that prohibit distribution of plastic carry-out bags, which are typically accompanied with requirements and/or incentives to utilize reusable bags to avoid a product-substitution effect (such as Senate Bill 270), other types of product bans enacted by an ordinance, such as take-out items, may involve a substitution of the banned item. Mere substitution would not result in reduced trash generation if such product substitution would be discarded in the same manner as the banned item. Any such product ban enacted by an ordinance that would not reduce trash would not assist in achieving compliance. It is possible that an MS4 permittee's adoption of other types of ordinances could include anti-litter laws or bans on smoking that would meet the requirements.

5.2.1 Enforcement of Litter Laws

An institutional control that would likely to be used for compliance with the final Trash Amendments would be enforcement of existing litter laws. By enforcing litter laws in sensitive areas or in areas that generate substantial amounts of litter, an ultimate source of trash loading to a given water body would be reduced or eliminated. Ordinances that prohibit litter are already in place in most municipalities. For example, the Los Angeles City Municipal Code prohibits the disposal of trash anywhere such trash could pollute the storm drain system:

No person shall throw, deposit, leave, cause or permit to be thrown, deposited, placed, or left, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, gutter, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City so that such materials, when exposed to storm water or any runoff, become a pollutant in the storm drain system (City of Los Angeles Municipal Code § 64.70.02.C.1(a)).

Assessment Overview

RetailData assessed availability and price of Disposable Carryout Products across alternative materials.

Methodology

RetailData, LLC performed in-store audits and transcribed images of Cases, Packages, and in-store Shelf-tags related to restaurant disposable serving products.

Product images were captured in Sam's Club, Costco, Jetro, Restaurant Depot, and Smart & Final Retail locations in the Los Angeles, CA area.

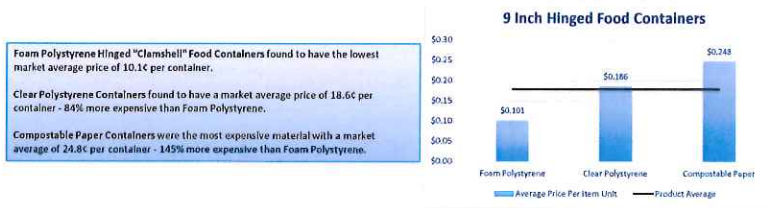
Specific products captured and assessed:

- 9 Inch Food Containers
- 9 Inch Disposable Plates
- 16 Ounce Cups And Lids designed to contain Hot and/or Cold Liquid Temperatures

A distribution of 18 unique brands and manufacturers were assessed across this assortment of products.

Market Price Insights

9 Inch Hinged "Clamshell" Food Containers - Foam Polystyrene Lowest Market Average Price



9 Inch Disposable Plates - Foam Polystyrene Lowest Market Average Price

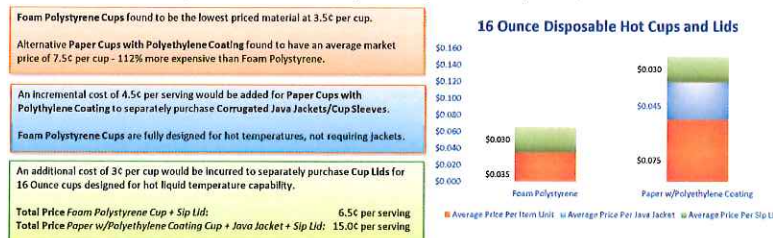


16 Ounce Disposable Cups and Lids

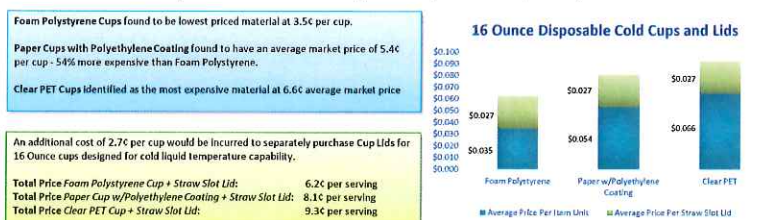
In assessing cups, both the type of material and liquid temperature capability (hot vs cold) were compared.

As Foam Polystyrene Cups are designed to hold a wide range of liquid temperatures, comparisons were made using Foam Polystyrene market average price as an index.

Cups and Lids for Hot Liquid Temperature Capability



Cups and Lids for Cold Liquid Temperature Capability

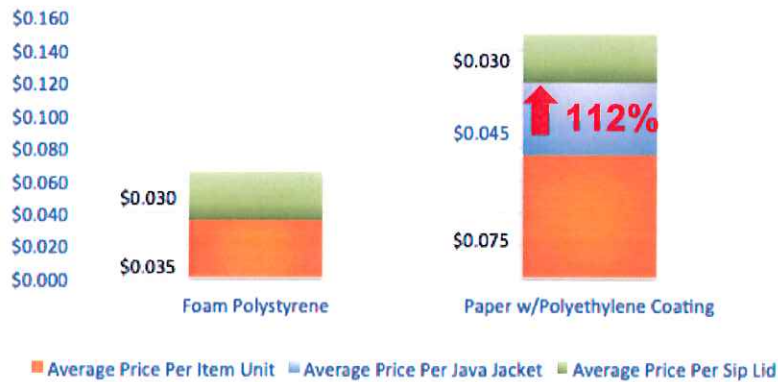


UNINTENDED CONSEQUENCES

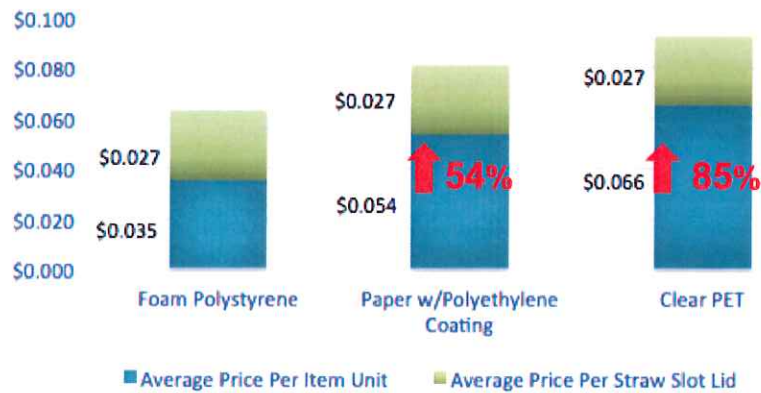
BAN WILL INCREASE COSTS ON SMALLEST MOM & POP RESTAURANTS ACROSS LONG BEACH

Proposed Ban Will Increase Costs by 54%-145%

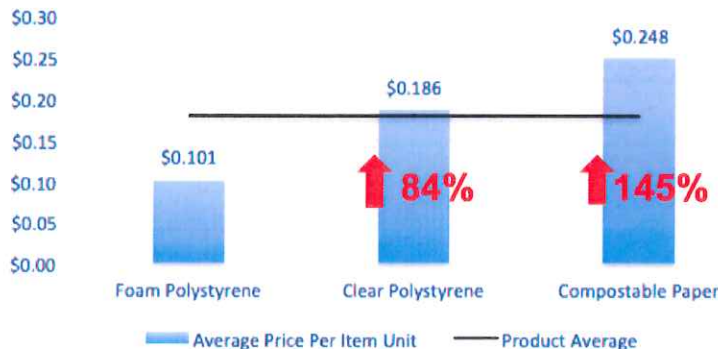
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9 Inch Hinged Food Containers



The California Restaurant Association commissioned Retail Data LLC to do a price comparison analysis of takeout items available in cash-and-carry stores across Los Angeles County.

PRESS-TELEGRAM

Foam container ban would be the wrong way to stop litter

By Matthew Sutton, Senior Vice-President at the California Restaurant Association
June 9, 2017

Many of the people operating very small, family-owned restaurants in Long Beach came to this country with the hope to achieve the American Dream. They open up take-out deli shops, taco shops, donut shops or smoothie shops willing to sacrifice to make their dreams a reality. They work in their businesses seven days a week and help with every aspect of the restaurant, taking orders, preparing meals, bussing tables — restaurant owners wear every hat.

They are happy to serve their customers, pay their taxes and be a part of the community. Some struggle to make ends meet, but they do not complain. They work endlessly to make it successful.

What we do not understand is when government officials introduce proposals aimed at these small, family-owned businesses.

The Long Beach City Council is considering an ordinance that would ban containers made of polystyrene, commonly known by the brand name Styrofoam, to protect the environment. As part of community outreach before final drafting of an ordinance, the council's Environmental Committee, chaired by Councilman Daryl Supernaw will hold a hearing to gather comment at 3 p.m. Tuesday at the Long Beach City Hall.

Mandating that restaurants can no longer use foam take-out containers or cups is placing a new cost that adversely affects the smallest restaurants in a community.

It is infuriating how advocates for a ban talk about restaurants and our ability to absorb the costs. They have never run a restaurant. They don't think that the cost is a big deal.

It is a big deal.

A recent study commissioned by the California Restaurant Association found that costs to change from foam clamshell food containers to the next least expensive option is 84 percent higher in cost, and to change to compostable containers, the costs skyrocket to a 145 percent increase. For cups, we would need to buy five pieces rather than a foam cup and lid that works for both hot and cold drinks.

How is that economical or environmental?

Advocates may think it's doable to pay \$5 for a donut, but that is not the reality for a majority of residents in Long Beach or the rest of California.

This ban essentially will favor large corporations and wealthy communities, which will have an easier time absorbing costs. What about working families?

In addition to these potentially new mandated costs, there are other financial strains, such as the aggressive and unprecedented minimum-wage trajectory that will soon force \$1 increases for four years in a row, expansion of mandated paid-leave policies, rising workers' compensation rates, increased unemployment insurance taxes, compliance with the Affordable Care Act and the rapidly growing prices of basic food commodities that restaurants rely on daily.

The cumulative cost pressures of these policies all at once are enormous and unprecedented. If ever there was a time to stop piling on additional costs, the time is now. Give us time and space to find a way to catch up.

What is even worse is that the proposed ban would not change litter behavior or reduce waste. People will continue to act the same if they are currently not recycling and just throwing away containers or littering. The reality is that foam is less than 1 percent of landfill waste, and in many communities curbside recycling is an option.

Some cities and newspapers have claimed that no restaurant has complained or filed for hardship when a ban has passed. Those claims demonstrate how little is known about the restaurant industry.

Restaurant owners do not have time to leave their restaurants to complain about higher costs nor do they know where to go to complain. They do not believe complaints will be heard as our legitimate protests to a ban are often ignored.

The unintended consequences of a ban are equivalent to adding a new high cost (sometimes over 100 percent increase) for every takeout container. A ban may seem like a quick fix, but there has yet to be a study to prove a ban on single-use food service products helps to achieve zero waste.

Let's do the work and support programs that will encourage recycling innovation and education about littering, rather than penalizing mom and pop restaurants.

Matthew Sutton is senior vice-president at the California Restaurant Association.

<http://www.presstelegram.com/opinion/20170609/foam-container-ban-would-be-the-wrong-way-to-stop-litter-quest-commentary>

April 2017

Culver City Council
9770 Culver Boulevard
Culver City, CA. 90232

Dear Members of the Culver City Council,

As members of the restaurant community here in Culver City, we are writing you today to continue to express concern around the pending expanded polystyrene and polystyrene single-use foodservice product ban.

Many of us have been reviewing alternatives that the City is mandating us to use and have found that the costs are significant. We have found that we will be forced to pay often nearly double of what we currently pay for a to-go container. To some that price increase may seem minimal, but to us who buy in large quantities, it is substantial.

This cost may be more easily absorbed than by larger restaurants, it is very challenging for the small operators like us. We are in our business every day serving customers operating on thin margins. We have already been hit with the statewide minimum wage increase this year. These additional costs mean that we have to either raise prices in a very competitive market, reduce labor costs or other costs.

We also are writing to you because we do not want you to believe that we do not care because we are not at City Council every week. We are running a business and have to be in our business every day.

We urge you to reconsider the ban and not institute an ordinance that is focused on the smallest restaurant operators. We are the ones that feel this burden the most.

We do not believe bans work. Will the ban reduce landfill waste or will it just be replaced with other foodservice products? Will the ban change litter behavior?

We are committed to being a partner with the City. We want to increase recycling and reduce litter in our waterways. We remain committed to assisting with these efforts.

If you are interested in learning the real costs of the ban, please contact any of us. We are happy to share with you.

Thank you for your time and consideration.

Sincerely,

Signature: 

Name: Aron S. Ferman

Business Name: Campos Tacos Ferman Inc.

Signature: 

Name: Juan Pereyra

Business Name: Big Tommy's

Signature: 

Name: Ambrocio Moras

Business Name: SUPER TACO

Signature: 

Name: Mohamed/Mohsin

Business Name: King Kabob

Signature: 

Name: Qamar

Business Name: Charge House

Signature: 

Name: Ki Sool Kim

Business Name: M J K COFFEE SHOP
~ Georgies coffee shop

Signature: 

Name: Myungji Kim

Business Name: Cafe Buna

Signature:

Name:

Business Name: