



WASTE REDUCTION COMMITTEE REPORT

TO: The Palm Springs Sustainability Commission

FROM: Members of the Waste Reduction Sub-Committee

SUBJECT: Proposed Ordinance banning food providers in the City of Palm Springs from using expanded polystyrene (EPS) food/beverage containers and implementing a straw-upon-request policy for single use plastic straws.

DATE: February 28, 2018

SUMMARY

This report is presented to the Sustainability Commission in advance of a vote to recommend an expanded polystyrene (EPS) and single use plastic straw ordinance for consideration by the Palm Springs City Council.

The ordinance would ban food providers in the City of Palm Springs from providing prepared food in any disposable food/beverage container made from expanded polystyrene and require dine-in restaurants to have a straws-upon-request policy. This ordinance will provide a description of the standards, procedures, and requirements for developers to follow and for the City to track compliance with the Ordinance.

BACKGROUND

On Feb 14, 2018 City Council member J.R. Roberts reached out to follow up on his request for the Sustainability Commission to ...

- * research and gather existing successful city ordinances that ban styrofoam take out containers
- * offer recommendations / suggestions as part of the education component for the ordinance change
- * research sunset provisions for such an ordinance
- * provide an update on the state legislation which is trying for a statewide ban

California law mandates a 75% statewide waste diversion goal by 2020. To achieve this goal, the amount of packaging going into landfills must be decreased. Food packaging such as EPS, or foam plastic, has a low recycling rate due to lack of available recycling locations as well as the contamination from the food, making it virtually useless for recyclers.

Polystyrene will never decompose. Instead, it breaks down into tiny, toxic particles, called microplastics. Polystyrene is one of the largest components of marine debris pollution because it's easily transported by wind and rain into the marine environment. Once in the environment, it kills marine wildlife, including sea birds and turtles, which mistake it for food. Up to 80% of ocean pollution is litter from urban runoff, and non-recyclable single-use food packaging is a primary component of urban litter.

Expanded polystyrene is also a neurotoxin and likely human carcinogen, stored in fat cells on the human body.

It's been reported that over 100 California cities now have some form of EPS ban. Larger cities like Los Angeles, San Francisco and Oakland have had bans in place for 10 years now. Berkeley adopted its first ordinance in 1988. Palm Springs is years behind when it comes to legislation on this harmful substance.

Opposition to Extended Polystyrene Ban

Those who oppose EPS reduction policies cite negative economic impacts on the restaurant industry—which already has a low profit margin—and the

subsequent impacts on customers. They point out that litter is a human problem, not a product problem, and argue for an increase in EPS recycling rather than banning EPS takeout containers.

Arguments that are commonly made against EPS ordinances.....

The portion of waste streams and litter comprised of EPS food service packaging is too small to justify action.

Response: EPS food service packaging may comprise only a small fraction of local waste streams and litter composition, but the long-term environmental impacts are pervasive and perpetual. EPS breaks down into small pieces that are harmful to marine life. EPS has a disproportionately large and negative environmental impact.

EPS food packaging waste should be recycled instead of banning it entirely.

Response: EPS recycling is technically possible, and it is preferable to throwing food packaging in the landfill. However, recycling of food service EPS containers is not widely available. First, it is generally economically unfeasible. Recycling of any product relies upon the existence of markets for the raw material. There is a lack of demand for recycled EPS, which is hard to turn into new products. Second, EPS is often contaminated with food, grease and other substances, making it difficult and expensive to clean, not to mention the additional use of water, especially crucial during periods of drought.

Banning EPS food service packaging is only going to change the composition of litter, not eliminate it.

Response: EPS bans have successfully reduced EPS litter, which reduces cleanup costs and is beneficial for wildlife and the environment. Many EPS alternatives are made of biodegradable materials such as paper and thus have less of an impact on the environment.

Purchase of EPS alternatives will come at a cost.

Response: Restaurants may find that the cost impacts of an EPS ban are minimal, negligible or can even save them money. For example, McDonald's stopped using polystyrene clamshell containers in 1990. According to the Environmental Defense Fund, this and other changes in packaging saved the company an estimated \$6 million per year, and in the decade following the packaging changes.

If there are cost barriers, businesses may be able to overcome them through organized bulk purchasing, which is a cost-effective strategy already widely used by the restaurant community.

Figure 1: Price Comparison of Selected Food Service Items .

Product	Official Product Name	Unit Cost	Cost Difference
8 oz. White Foam Coffee Cup	8 oz. White Foam Cup - 1000/case	\$ 0.015/cup	
8 oz. Paper Coffee Cup	Choice 8 oz. White Poly Paper Hot Cup - 1000/case	\$ 0.025/cup	\$ 0.01 cost difference
Polystyrene plate	Dart 9PWC Concorde 9"White Non-Laminated Road Foam Plate - 500/case	\$ 0.025/plate	
Paper plate	EcoChoice Biodegradable, Compostable Sugarcane/Bagasse 9" Plate - 500/case	\$ 0.056/plate	\$ 0.03 cost difference
Polystyrene Takeout Container	Dart 90HTPF1R 9" x 9" x 3"White Foam Square Take Out Container with Perforated Hinged Lid - 200/case	\$ 0.07/container	
Paper Takeout Container	EcoChoice 9" x 9" x 3" Biodegradable, Compostable Sugarcane/Bagasse 1 Compartment Takeout Box - 200/case	\$ 0.15/container	\$ 0.08 cost difference

- All prices from the WebstaurantStore, February 2017

As the figure shows, prices vary by a few cents per item. For hot cups, plates and takeout containers, which are three common products restaurants and catering services purchase, the cost difference is eight cents or less between the EPS product and the paper product.

Single use plastic straws

We use over 500 million single use plastic straws in America every day. Plastic straws are extremely harmful for the ocean. Small and lightweight, straws often never make it into recycling bins. If they do, most plastic straws are too lightweight to make it through the mechanical recycling sorter. They drop through sorting screens and mix with other materials too small to separate, contaminating recycling loads or getting disposed of in the landfill.

All gutters and storm drains lead to the ocean. Although straws amount to a tiny fraction of ocean plastic, their size makes them one of the most insidious polluters because they entangle marine animals and are consumed by fish.

Refusing the single-use plastic straw is the easiest and simplest way for everyone to take action today to address plastic pollution.

Current Legislative Action

SB 705 was a California measure which would phase out expanded polystyrene takeout food packaging statewide.

Position and Status: This bill is no longer active.

*Introduced February 17, 2017

*Passed Senate Environmental Quality committee April 25th, 2017

*Passed Senate Appropriations committee May 26, 2017

*Fell 6 votes short of passage for Senate floor vote. Eligible for reconsideration January 2018.

*Gained the support of 3 more Senators for the bill's second Senate floor vote on January 30th, 2018.

*The bill fell only 3 votes short of passage and **is no longer active**.

AB 1884 was introduced on Jan 18, 2018 and would require dine-in restaurants to have a straws-upon-request policy.

Position and Status: This bill is currently active and in committee

California cities with EPA bans

Below are 65 CA cities with current ordinances

Alameda (2008) [Expanded polystyrene ban](#), requirement that all takeout food packaging be compostable or recyclable.

Albany (2008) [Expanded polystyrene ban](#), requirement that all takeout food packaging be compostable or recyclable.

Belmont (2012) [Expanded polystyrene ban](#) that is essentially an extension of the San Mateo County ordinance, adopted by reference and effective October 2012.

Berkeley (1988) One of the first [EPS foam foodware ordinances](#) passed in 1988 and effective January 1990.

Burlingame (2011) [Expanded polystyrene ban](#) referencing San Mateo County's ordinance on May 16, 2011 and effective January 2012.

Calabasas (2008) Expanded polystyrene ban, requirement that all takeout food packaging be returnable, recyclable, biodegradable or degradable. [Click here for details.](#)

Capitola (2012) Prohibits the sale of expanded polystyrene products as part of the [2009 Plastics Ordinance](#) that was expanded in 2012.

Carmel (1989) Expanded polystyrene ban for restaurants [passed in 1989](#).

Carpenteria (effective September 1, 2009) Ban on non-recyclable plastic food takeout containers, including expanded polystyrene. Chapter 8.5 of Municipal Code.

Dana Point (adopted February 21, 2012) Ban on expanded polystyrene food containers. Effective six months after adoption date.

Del Ray Oaks (effective July 1, 2010) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

El Cerrito - On [September 17th](#), the El Cerrito City Council finalized a polystyrene foam foodware ordinance for restaurants. Effective January 1st, 2014.

Emeryville (2008) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Fairfax (1993) Expanded polystyrene ban for all restaurants and food retail vendors. Title 8.16 of Municipal Code.

Foster City (effective April 1, 2012) Polystyrene ban for restaurants and food vendors, adopted October 17, 2011.

Fremont (effective January 1, 2011) Expanded polystyrene ban for food vendors, requirement that all takeout food packaging be recyclable or compostable.

Half Moon Bay (effective August 1, 2011) Half Moon Bay passed an ordinance, referencing San Mateo County's polystyrene food container ban, on May 17, 2011.

Hayward (effective July 2011) Expanded polystyrene ban for restaurant vendors, requirement that takeout food packaging be recyclable or compostable.

Hercules (2008) Expanded polystyrene ban. Sec.5-3109, Title 5, Chapter 3 of [Municipal Code](#).

Hermosa Beach (2012) Polystyrene container ban. Effective March 2013.

Laguna Beach (2008) Polystyrene ban, requirement that all plastic takeout food packaging be recyclable. Title 7.05 of Municipal Code.

Livermore (2010) Food vendors are required to use recyclable or compostable takeout food packaging.

Los Altos Hills (February 1, 2012) Ban on eps and non-recyclable plastic food containers.

Malibu (2005) Expanded polystyrene ban. Title 9.24 of Municipal Code.

[Manhattan Beach](#) (2013) In September 2013 the Manhattan beach updated their CFC processed polystyrene food packaging ban from 1988. The new ordinance bans foam and clear polystyrene containers at restaurants.

Marin County (effective January 1, 2010) Expanded polystyrene ban.

Marina (2011) Expanded polystyrene food container ban. Requires the use of recyclable or compostable takeout food packaging unless alternatives are unavailable.

Menlo Park (2012) Adopted San Mateo County ordinance by reference in August of 2012. Effective 11/1/12.

Millbrae (2008) Polystyrene ban, requirement that all plastic takeout food packaging be recyclable or compostable.

Mill Valley (2009) Food vendors and city facilities are prohibited from using expanded polystyrene foam food containers.

Monterey City (2009) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Monterey County (effective November 2010) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 10, Chapter 10.42 of Municipal Code.

Morgan Hill (2014) In October 2013, Morgan Hill City Council approved an expanded polystyrene foodware ban similar to other ordinances in Santa Clara County. Effective April 22, 2014.

Newport Beach (2008) Expanded polystyrene ban. Title 6, Section 5 of Municipal Code.

Novato (2013) City Council approved a [polystyrene foodware ban](#) for restaurants in May 2013 that is effective January 1, 2014.

Oakland (2007) Expanded polystyrene ban, requirement that all takeout food packaging be compostable. Businesses that generate a large portion of litter must pay a litter fee. Title 8.07 of Municipal Code.

Pacific Grove (2008) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 11, Chapter 11.99 of Municipal Code.

Pacifica (effective January 1, 2010) Expanded polystyrene ban.

Palo Alto (effective April 22, 2010) Expanded polystyrene ban.

Pittsburg (1993) CFC processed polystyrene ban. Title 8.06.210 of Municipal Code.

Portola Valley (effective October 25, 2012) Polystyrene ban (San Mateo County ordinance).

Pleasanton - In April 2013 Pleasanton City Council [passed an expanded polystyrene foam ban](#) for food vendors effective July 2013.

Redwood City (effective January 1, 2013) Polystyrene ban (San Mateo County ordinance).

Richmond (effective August 5, 2010) Polystyrene ban, requirement that all plastic takeout food packaging be compostable.

Salinas (passed August 16, 2011) Expanded polystyrene ban on takeout containers

San Bruno (effective April 1, 2010) Polystyrene ban, requirement that all plastic takeout food packaging be recyclable or compostable.

San Carlos (effective July 1, 2012) Adopted the San Mateo County ordinance by reference. Chapter 8.27 of Municipal Code.

San Clemente (effective July 1, 2011) Government facility expanded polystyrene ban in 2004. City Council passed a citywide ban for food vendors in 2011.

San Francisco (2007) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

San Jose (2010/2013) Government facility expanded polystyrene ban for special events established in 2010. Citywide EPS foam ban for restaurants/food vendors passed in 2013.

San Leandro (effective November 1, 2012) Expanded polystyrene food container ban, adopted October 2011.

San Mateo City (2013) [Ordinance](#) includes a ban on all polystyrene foodware at food vendors with limited exceptions passed by City Council in May 2013.

San Mateo County (2008 and 2011) Government facility polystyrene ban passed in 2008. An expanded ban for the rest of unincorporated San Mateo County was passed in 2011, effective July 1, 2011.

San Rafael (2013) City Council [passed](#) a polystyrene foam ordinance in September 2012 that is effective September 2013.

Santa Clara County (Effective February 1, 2013) The Santa Clara County Board of Supervisors adopted an eps takeout container ban for unincorporated parts of Santa Clara County on June 5, 2012.

Santa Cruz City (2012) Ban on sale of all foam polystyrene products. Prior to 2012, the City banned the distribution of expanded polystyrene food containers, with a requirement that the food packaging be recyclable or compostable.

Santa Cruz County (2008 and 2012) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 5, Section 46 of Municipal Code. The ban was expanded to prohibit the sale of all expanded polystyrene products in stores on April 17, 2012.

Santa Monica (2007) Polystyrene ban with requirement that all plastic takeout food packaging be recyclable. Visit their website for more information.

Sausalito (effective September 1, 2008) Food vendors and city facilities and events are prohibited from using expanded polystyrene foam food containers.

Scotts Valley (2009) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Seaside (effective August 4, 2010) Polystyrene ban with requirement that all plastic takeout food packaging be recyclable or compostable.

South San Francisco (2008) Polystyrene ban, requirement that all plastic takeout food packaging be recyclable or compostable.

Watsonville (2009) Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 6, Chapter 6 of Municipal Code.

West Hollywood (adopted 1990) Polystyrene ban for restaurants and food vendors.

Yountville (1989) Expanded polystyrene food container ban.

OTHER CA Ordinances and Mandates covering Government facilities or specific venues (10):

Aliso Viejo (2005) Government facility expanded polystyrene ban. Ordinance #2004-060

Huntington Beach (2005) Government facility and city-sponsored event expanded polystyrene ban. [See page 12.](#)

Laguna Hills (2008) Government facility expanded polystyrene ban.

Laguna Woods (2004) Government facility expanded polystyrene ban.

Los Angeles City (2008) Government facility expanded polystyrene ban. Chapter IV, Article 13 of Municipal Code.

Los Angeles County (2008) Government facility expanded polystyrene ban.

Orange County (2005/6) Government facility expanded polystyrene ban.

San Juan Capistrano (2004) Government facility expanded polystyrene ban.

Sonoma County (adopted 1989) Government facility expanded polystyrene ban. Title 19, Section 19.6-1 of Municipal Code.

Ventura County (2004) Government facility and county-sponsored event expanded polystyrene ban established by County Board of Supervisors [2004 resolution](#).

In addition to California, cities in Florida, Maine, Massachusetts, New Jersey, New York, Oregon, Texas, Washington and Washington D.C all have EPA bans in place.

Sunset provisions/Phase-in period: Most ordinances allow one year for businesses to come into compliance. Some ordinances allow for a hardship waiver, which exempts those who will experience financial hardship due to the ban.

Compliance will be conducted by Code enforcement, which will investigate businesses when complaints arise. In addition, all restaurants will be sent compliance forms which can be electronically delivered, signed and returned, to save on paper waste.

A link on the sustainability page on the City of Palm Springs website will explain this ordinance, offer alternatives to EPS products and will display the code compliance hotline number.

REQUEST:

The Waste Reduction Committee requests that the Sustainability Commission accept the recommendations in this report and provide direction to develop this report into an official staff report to be included with an Expanded Polystyrene and Single Use Straw Ordinance to be put in front of Palm Springs City Council for their consideration.

RESPECTFULLY SUBMITTED:

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