



Public Works Department
Environmental Programs Division
October 5, 2011

To: Environmental Quality Commissioners

From: Rebecca Fotu, Environmental Programs Manager

Subject: Source Reduction- Discussion on Polystyrene and Plastic Bag Bans

Potential Environmental Quality Commission (EQC) Action

Determine next course of action(s) for the EQC to take on polystyrene or plastic bag bans.

Background

Plastic food service containers are a major component of urban litter. It was the top source of litter identified from the annual San Francisquito creek clean up held last month. According to Save the Bay, studies have shown that styrene is a carcinogenic and neurotoxic component of polystyrene, and can leach into food and drinks. Save the Bay has also stated that marine species have been reported to consume polystyrene and other litter, leading to loss of appetite, reduced nutrient absorption and starvation. San Mateo County has distributed a model polystyrene ordinance (Attachment A) to encourage cities to ban food vendors from using polystyrene containers.

On September 7, 2011, the EQC reviewed the model ordinance and unanimously approved continuing the discussion on a polystyrene ban for food vendors to allow staff to survey other cities' outreach efforts and associated costs in implementing a ban. This would allow the EQC to make a more informed decision on whether Menlo Park should prioritize implementing a polystyrene ban or focus attention on another source reduction task, such as plastic bags.

The cities that were surveyed on their public engagement process and associated staff hours to implement a polystyrene ban included Richmond, Millbrae, County of San Mateo, Palo Alto, Alameda, and City and County of San Francisco.

Analysis

The survey results show that implementing a polystyrene ordinance for food vendors can range from six months to three years. See table on the next page for more detailed information on the survey responses.

Survey of Cities with Polystyrene Bans				
City	Ban Type	Stakeholders	Staff Time	Public Outreach Efforts
Richmond	Foodware required to be compostable or biodegradable	Restaurant Association- Eventually organized a bulk purchasing program, but no one participated	310 hours	Two community meetings; Site visits with acceptable food ware samples; Community email forum
Millbrae	Banned solid and foam polystyrene	American Chemistry Council, DART*, Chamber and Restaurant Association	2 full time staff members	Study session with council; Onsite meetings with restaurants; Post cards to businesses twice per year
County of San Mateo	Banned solid and foam for food service (containers, bowls, plates and cups)	No Response	30 -60 hours for negative declaration and public outreach	Outreach to other cities; San Mateo has a small population of food vendors compared to other cities
Palo Alto	Expanded only (foam)	One restaurant was interested	240 hours and six month process	Staff met with DART, ACC, and Restaurant Association; held two community meetings; mailed three outreach pieces; and two letters with proposed ordinance
Alameda	Banned foam-clear, black and paperboard containers acceptable	Californians Against Waste; Residents; Climate Action Committee	Filed Negative Declaration	Mailer to all businesses Four public workshops
City and County of San Francisco	No Response	No Response	No Response	Lots of one on one education; Chamber of Commerce; two public meetings; one public meeting with Surfrider, save our shores, landfill, and business panel; Vendor fair for restaurants; Letters to businesses
Salinas	Banned expanded only (foam)	DART, ACE**, California Restaurant Association, Chamber of Commerce	No Response	Took three years to be approved; Involved surveys, trash, litter, and economic analysis.

*DART- Company that manufactures Polystyrene food ware

**ACE-Alliance for Climate Education

According to the County Health Department records, Menlo Park has 251 food vendors. Staff estimates that implementing a polystyrene ordinance in Menlo Park would take six to twelve months for public engagement and filing appropriate environmental documentation.

Currently, there is proposed statewide legislation bill, SB 568, which would ban food vendors from using polystyrene *foam* food containers. This bill would prohibit the distribution and use of polystyrene *foam* containers by food vendors for prepared food on or after January 1, 2016. SB 568 passed the Assembly Appropriations Committee on August 25, 2011 and was headed to the Assembly floor for a vote. However, Senator Lowenthal, who introduced the bill, has placed it on the inactive file for the current session. It is likely to be introduced to the Assembly in 2012.

The model ordinance provided by the county would not only ban foam polystyrene, but also solid oriented polystyrene materials, which is more restrictive than the proposed state ban. The county has offered to support implementation and enforcement of an ordinance and assist with the public engagement process in Menlo Park.

Given that the state is addressing this issue, staff proposes to conduct an outreach campaign to educate food vendors about Menlo Park's organic recycling program, environmentally friendly foodware product choices, and the environmental impacts of using polystyrene. This approach would be an interim solution while the state is working towards implementing a statewide ban. Staff would report on these efforts to the EQC in six months. This would allow the EQC to work on other source reduction issues that are currently not addressed by the state, such as plastic bags.

Californians use estimated 400 to 500 plastic bags per year (Save the Bay). Plastic bags can take hundreds to thousands of years to break down, and continue to be a major source of pollution in waterways. Plastic bags ranked fifth in the top litter type found at last month's San Francisquito Creek clean up event.

Plastic bags are not recyclable at the curbside in Menlo Park. The only option for citizens is to take plastic bags back to the store for recycling. However, Save the Bay reports that even these efforts have not been fruitful as CalRecycle has found that only 5% of plastic bags in California are actually recycled. In addition, many consumers tend to think that plastic bags are recyclable and place them in curbside recycling carts. This contaminates the recycling stream, which can drive down the value of other recyclable material. In addition, plastic bags can jam machines at recycling sorting facilities, which increases the cost to recycle materials.

Typically, a ban on plastic bags required an Environmental Impact Report. However this summer, the California Supreme Court upheld the right of the City of Manhattan

Beach to ban plastic bags, ruling that a full-scale Environmental Impact Review may not always be needed to prohibit stores from giving bags to their customers. Also, the county will be surveying cities for participation in a regional approach to banning plastic bags.

Relation to the Environmental Quality Commission's Work Plan

The Environmental Quality Commission's 2011-2012 Work Plan has identified source reduction as a priority. Commissioner Kathy Schrenk has been the informational point of contact for the EQC on plastic reduction.

[Attachment A- San Mateo County Polystyrene Ordinance](#)

[Attachment B- Bay Area Bag and Styrofoam Bans](#)