County of Los Angeles
**CHIEF ADMINISTRATIVE OFFICE**
713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
http://cao.lacounty.gov

DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

May 18, 2007

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

**MOTION TO SUPPORT AB 820 (KARNETTE) – POLYSTYRENE FOOD CONTAINERS (ITEM NO. 21, AGENDA OF MAY 22, 2007)**

Item No. 21 on the May 22, 2007 Agenda is a motion by Supervisors Molina and Burke that includes recommendations instructing: 1) the County's Legislative Advocates in Sacramento to pursue passage of AB 820 (Karnette); and 2) the Chief Administrative Officer to update the County's policies and proposals for the 2007-08 State Legislative Session to pursue legislation which promotes market development and manufacturer stewardship of products made of alternatives to polystyrene.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the State to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, sold or offered for sale in the State, to generally meet criteria indicated above.

As amended on April 9, 2007, AB 820 would prohibit, starting January 1, 2009, all State facilities from selling, possessing or distributing expanded polystyrene (EPS) food containers, with the following conditions: 1) applies to campus facilities on the University of California only if the UC Regents approve the ban; and 2) applies to facilities of the Department of Corrections and Rehabilitation and the Department of Mental Health, unless those departments' respective directors determine use of expanded polystyrene food containers is the only alternative that would not present a danger to persons in their facilities.

The Department of Public Works (DPW) indicates that littering is a significant problem in many communities throughout Los Angeles County, which poses a danger to public health and safety, decreases property values, pollutes local waterways, creates a nesting area for rodents and other vermin, and lowers the quality of life. In order to reduce littered items from entering the County's storm drain system, DPW annually spends millions of dollars on flood control channel/catch basin/roadside cleanups, capital improvements, street sweeping, storm water pollution prevention activities, best management practices, and public education and outreach programs. In addition, thousands of residents annually volunteer countless hours in beach, roadside, park, and neighborhood cleanups.

DPW indicates that EPS is one of the most common littered items due to its lightweight properties and is easily blown out of overflowing trash receptacles. Since litter ends up in our storm drain system and eventually on our beaches, studies have shown that over half of all floating marine debris collected at our local beaches are EPS products. EPS does not biodegrade and can last hundreds of years once disposed. However, upon entering the marine environment, EPS breaks apart into smaller pieces, which negatively impacts water quality and harms marine wildlife, which often mistake the EPS pieces for food. Recycling EPS is also difficult because it is commonly contaminated with food, is not cost effective without a large volume, and requires special equipment to condense the material prior to transportation.

As a result, DPW indicates that the following jurisdictions have already adopted bans, either at public facilities or throughout their jurisdiction: the Cities of Calabasas, Malibu, Santa Monica, San Clemente, San Juan Capistrano, Huntington Beach, and San Francisco, and the County of Ventura. Furthermore, DPW indicates that if enacted, AB 820 would enhance the market for environmentally friendly alternatives to EPS, such as recyclable products made of post-consumer recycled materials, thereby enhancing the recycling market. AB 820 would also reduce the occurrence of EPS in Los Angeles County by prohibiting its use at all State facilities located within the County, thereby reducing EPS waste and litter from the natural environment. Therefore, DPW recommends that the County support AB 820.

**Support for AB 820 is consistent with existing County policy to support measures which promote the preservation and restoration of Los Angeles County mountain, bay, watershed, river and wetland areas.**

AB 820 is supported by several organizations, including: the Los Angeles County Integrated Waste Management Task Force, Californians Against Waste, California League of Conservation Voters, Defenders of Wildlife, Heal the Bay, Planning and Conservation League, Santa Monica Baykeeper, and Sierra Club California. It is opposed by: the American Chemistry Council, California Chamber of Commerce, California Grocers Association, California Manufacturers and Technology Association, California Restaurant Association, Chevron Phillips Chemical Company, Dart Container

Corporation, Dolco Packaging, Grocery Manufacturers Association/Food Products Association, INEOS Styrenics, and PWP Industries. AB 820 is currently on the Assembly Appropriations Suspense File.

DEJ:GK
MAL:EW:hg

c: Executive Officer, Board of Supervisors
County Counsel
Department of Public Works