



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

February 2, 2009

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM AND EXPANDED POLYSTYRENE FOOD CONTAINERS – QUARTERLY PROGRESS REPORT NO. 4

On January 22, 2008, your Board adopted the County of Los Angeles' Single Use Bag Reduction and Recycling Program (Program), and instructed the Chief Executive Officer to implement the Program, in partnership with the Directors of Public Works, Internal Services, Public Health, and the Sanitation Districts, and key stakeholders including large supermarkets and retail stores, the plastic bag industry, environmental organizations, and recyclers. Your Board further directed staff to provide quarterly progress reports to the Board and to interested stakeholders (attached).

On May 22, 2007, your Board also approved a number of actions related to the use of expanded polystyrene (EPS) food containers at County facilities, and at food service establishments and retail stores in the unincorporated County areas. The quarterly report provides a summary of our efforts to implement the EPS program since our November 21, 2009 status update.

Single Use Bag Reduction and Recycling Program

Working Group and Subcommittees

During this reporting period the Working Group and three subcommittees convened on an alternating monthly basis. These meetings were attended by a wide range of stakeholders including representatives from the California Grocers Association (CGA), plastic bag industry, cities, environmental organizations, the Office of Assembly Member Mike Davis, schools, a magazine publication, and various governmental entities. The Working Group and subcommittees further developed Program components including strategies for increasing store participation, implementing public education and outreach, and providing incentives to decrease single use bag consumption and promote reusable bags.

"To Enrich Lives Through Effective And Caring Service"

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Program Activities and City Participation

Program highlights during this quarter are as follows:

- On November 7, 2008, staff participated in a Local Government Breakfast meeting hosted by CGA in Pasadena. Supervisor Michael D. Antonovich addressed the group of managers and directors from various grocery store chains, including Vons, Albertsons, and Gelson's. Public Works provided a presentation to raise Program awareness, encourage store participation, and reaffirm the County's support of store efforts.
- On November 17, 2008, the City of Pomona adopted a Resolution supporting the Program, becoming the County's tenth partner city. Other cities include Azusa, Bell, Glendale, Hermosa Beach, Lomita, Pico Rivera, Redondo Beach, Santa Fe Springs, and Signal Hill.
- On December 18, 2008, your Board adopted a resolution proclaiming the third Thursday of December, each year, as "A Day Without a Bag" throughout Los Angeles County, and urged shoppers to forgo single use carryout bags in favor of reusable bags. Staff also participated in Heal the Bay's press conference at the Northridge Fashion Center. Speakers included Supervisor Zev Yaroslavsky and Mayor Antonio Villaraigosa of the City of Los Angeles. Public Works also supplied over 5,000 reusable bags, which were given away to shoppers at various locations throughout the County on this day.
- Store site visits were conducted, with concurrence of CGA, at 13 unincorporated County area stores during this quarter. Visits focused on discussing Program goals and components; providing stores with outreach materials from the American Chemistry Council to enhance plastic bag recycling; inquiring about obstacles that make implementing Program components difficult; and establishing effective working relationships.
- In December 2008, staff facilitated publication of a feature article about the Program in "California Verde" magazine. This Spanish-language magazine covers various "green" issues to promote environmental stewardship among Spanish-speaking communities in the region. The article described the goals and components of the Program, and encouraged consumers to utilize reusable bags and to recycle their plastic bags.

Community Outreach and School Programs

Efforts to reach out to communities and schools have continued as public outreach and participation are essential to the success of this Program. Specific efforts include:

- On January 27, 2009, DPW presented the Program at the meeting of the Florence-Firestone Community Enhancement Team. Discussion included gauging the extent to which single use bag litter impacts the community; identifying factors and issues that may contribute to litter; and developing initiatives to facilitate community participation in anti-litter campaigns, reusable bag giveaways, and other strategies to stimulate Program implementation.
- On February 7, 2009, DPW will distribute Program outreach materials and reusable bags at the Los Angeles Unified School District's Academic Decathlon event at the University of Southern California.

- In February 2009, Supervisor Gloria Molina will launch a school-based program to educate elementary school students about the environmental impacts of single use bags. School assemblies are planned in partnership with Heal the Bay and DPW, and presentations will include discussions on the harmful aspects of single use bag litter on the environment and guidance on how to protect and preserve the environment through source reduction, materials reuse, and recycling.

Category 2 and 3 Stores in the Unincorporated County areas

Upon fully implementing the Program objectives among Category 1 large supermarkets within the unincorporated County areas, Program effectiveness will be evaluated by the Working Group, which will then determine the viability of expanding the Program to include Category 2 convenience and franchise stores and Category 3 small stores in the unincorporated County.

Expanded Polystyrene Food Containers

On October 15, 2008, a status report to your Board on EPS food containers identified the need for an in-depth analysis of current EPS usage with respect to safety, functionality, cost, and environmental compatibility to aid in identifying effective alternatives. The report concluded that a consultant should be retained to assist with this analysis.

Consultant Study

On December 2, 2008, ISD retained a consultant, Responsible Purchasing Network (RPN), to conduct a study entitled, "EPS Food Containers Alternative Products Analysis and Life-Cycle Assessment." Specific deliverables from RPN will include the following:

- Task 1 - Consumption Baseline: Data on current EPS usage at County operations will be compiled including quantities, costs, types of products, and suppliers. Task 1 is expected to be completed in February 2009.
- Task 2 - Product Function Analysis: Function types for current EPS food containers will be identified, including critical function requirements (e.g. hot meals for inmates), and prioritized based on consumption quantities and projected environmental impacts. Task 2 is expected to be completed in March 2009.
- Task 3 - Alternative Products Listing: A prioritized list of alternative products will be compiled for County departments, including wholesale pricing from suppliers. The County's product preference hierarchy will be used as a guide in developing the list of feasible alternative products. Task 3 is expected to be completed in April 2009.
- Task 4 - Life-Cycle Environmental Assessment: An environmental life-cycle assessment (LCA) of the baseline products will be conducted using current departmental consumption data. Additional LCAs will be conducted on proposed priority alternative products, and the results will be compared to findings of the baseline LCA. Task 4 is expected to be completed in May 2009.

Phasing Out EPS Food Containers at County Facilities

Upon completion of the consultant study in May 2009, departments would procure alternative products, including amendments to any existing contracts as appropriate. The effective date for phasing out EPS food containers at County facilities will be August 1, 2009.

Phasing Out EPS Food Containers at Food Service Establishments and Retail Stores in the Unincorporated County Areas

Upon full implementation at County facilities, the effectiveness of the EPS restriction will be evaluated in collaboration with the Working Group. LCA findings will also be considered. Based on this evaluation, the feasibility of further expanding the EPS restriction to the unincorporated County area retail stores and food service establishments will be determined.

EPS Recycling

Concurrent with efforts to develop alternatives to EPS food container products, the viability of recycling EPS food containers generated from County facilities is also being investigated. Staff visited three privately-owned companies to more fully understand EPS recycling processes. Packaging Development Resources (PDR) in Santa Ana recycles EPS food containers through a process that involves washing, grinding, heating, and crystallizing raw materials into resin, which can then be used to make food containers or other products such as molding and packaging. The DART Container Corporation in Corona collects, compresses and transports EPS materials to other companies for recycling. The Natural Environmental Protection Company in Chino sells machinery that crushes and compresses EPS into densely packed molds for space efficient storage and fuel-efficient transport. Such EPS recycling processes will continue to be evaluated to assess their applicability to County operations.

The Sheriff's Department is coordinating with PDR to determine the viability of recycling their EPS food trays and product packaging. The Sheriff is developing the operational structure to support such an effort, including collection points, transportation, and other logistics. County Counsel is determining the method of formal agreement needed to support this operation. Updates on this effort will be provided in subsequent Quarterly Progress Reports.

Summary

The next quarterly report will be submitted to your Board by May 1, 2009. If you have any questions regarding this progress report, please contact me, or your staff may contact Burt Kumagawa of this Office at (213) 893-9742, or by e-mail at bkumagawa@ceo.lacounty.gov.

WTF:LS
DSP:BK:ib

Attachment

- c: Executive Officer, Board of Supervisors
County Counsel
Sheriff
Acting Director of Health Services
Director of Public Works
Director of Internal Services
Director and Health Officer of Public Health
Treasurer and Tax Collector
Sanitation Districts of Los Angeles County

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Store Related Efforts</p> <ul style="list-style-type: none"> Define which large supermarkets and retail stores are subject to the Program and develop a database of stores that may participate. Establish the measurement methodology to evaluate program success. Establish a menu of store-specific programs for implementation. Develop minimum store participation levels. 	<p>July 1, 2008; ongoing</p> <p>July 1, 2008; ongoing</p> <p>July 1, 2008; ongoing</p> <p>July 1, 2008; ongoing</p>	<ul style="list-style-type: none"> Public Works (DPW) compiled a database of Category 1 stores. This list of stores is being updated as data is received from the California Integrated Waste Management Board and through store site visits. Category 1 stores are defined as large supermarkets having gross annual sales of \$2 million or more and retail stores greater than 10,000 square feet with a licensed pharmacy. Completed the measurement methodology; final recommendations were incorporated into the Resource Packet that was sent to stores and partner cities on August 21, 2008. Staff is working with stakeholders to develop means for obtaining reliable reuse and curbside recycling data. Additional research is being done to obtain at-store plastic bags collection and recycling data. Completed the menu of store-specific program components and incorporated final recommendations into the Resource Packet. Staff has conducted store site visits to obtain additional survey information and provide technical support. Completed the minimum store participation levels and incorporated final recommendations into the Resource Packet. Participation levels will be incorporated into the selection criteria for recognizing and awarding store participation in the Program. Store site visits will focus on confirming that stores are currently meeting or aiming to meet minimum participation levels.

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Store Related Efforts (continued)</p> <ul style="list-style-type: none"> Develop an environmental awareness message to be printed on each plastic bag. 	<p>July 1, 2008; ongoing</p>	<ul style="list-style-type: none"> Completed the development of environmental awareness messages in consultation with stakeholders. Final recommendations were incorporated into the Resource Packet. While state legislation requiring environmental awareness messages on plastic bags was not approved during the 2007-08 Legislative Session, the Working Group continued to discuss ways to use the messages, such as on reusable bags for other outreach materials as appropriate. Reusable bags and other materials distributed at outreach events currently display, and will continue to include, environmental awareness messages.
<p>Additional Program Components</p> <ul style="list-style-type: none"> Develop a public education campaign to promote reusable bags and at-store recycling. 	<p>July 1, 2008; will work with consultant and Working Group on detailed campaign</p>	<ul style="list-style-type: none"> Completed development of public education campaign strategies and incorporated final recommendations into the Resource Packet. The Working Group continues to develop outreach materials and activities, including school contests and targeted outreach, as well as fact sheets, brochures, and educational or promotional items. A consultant will be retained to further develop and conduct the public education campaign beginning August 2009. On December 18, 2008, 5,000 reusable bags were distributed as part "A Day Without a Bag". In conjunction with the event, your Board adopted a resolution declaring the third Thursday in December each year as "A Day Without a Bag" in the County. On January 27, 2009, staff attended the Florence-Firestone Community Enhancement Team meeting to promote the Program to the community.

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Additional Program Components (continued)</p> <ul style="list-style-type: none"> • Develop a Store Recognition Program. • Identify litter hot spots and develop a focused anti-litter campaign. • Maximize recycled content and promote recycling markets for all single use bags. • Ban plastic carryout bags at County facilities. 	<p>July 1, 2008; ongoing</p> <p>July 1, 2008; ongoing</p> <p>July 1, 2008; ongoing</p> <p>To Be Determined</p>	<ul style="list-style-type: none"> • Completed and incorporated the Store Recognition Program into the Resource Packet. Award guidelines, including store recognition details, are currently being developed. • Completed identification of litter hot spots, drafted an anti-litter campaign and incorporated it into the Resource Packet. Hot spots will continue to be updated or identified as appropriate. The anti-litter campaign will be an ongoing effort coordinated with partner cities and other jurisdictions. DPW will be contacting the City of Los Angeles and partner cities about this effort. Staff will attend community meetings to promote the goals of the Program, specifically targeting communities with litter hot spots. • Completed strategies for maximizing recycled content and promoting recycling markets for all single use bags; incorporated final recommendations into the Resource Packet. The Working Group has had discussions with plastic bag manufacturers and paper bag manufacturers for input. Staff will continue to coordinate with both plastic and paper bag manufacturers to enhance program effectiveness. • The Working Group continues to evaluate the feasibility of banning plastic carryout bags at County facilities. An initial survey of County departments determined that only a handful of departments use plastic carryout bags - the Sheriff, Parks and Recreation, and Community and Senior Services being the most extensive users. Staff will focus on these departments in evaluating the viability of alternative products.

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Additional Program Components (continued)</p> <ul style="list-style-type: none"> • Continue to encourage cities to join Program. • Expand Program to Category 2 and Category 3 stores. 	<p>Ongoing</p> <p>July 2009</p>	<ul style="list-style-type: none"> • As of January 31, 2009, the cities of Azusa, Bell, Glendale, Hermosa Beach, Lomita, Pico Rivera, Pomona, Redondo Beach, Santa Fe Springs, and Signal Hill have adopted resolutions to join the Program. • Since these stores are not currently subject to the State's at-store bag recycling or reporting requirements, it would be challenging to require them to comply with prescribed disposal reduction benchmarks. The Working Group will continue to evaluate options and incentives to incorporate these stores into the Program on a voluntary basis. Some of the checklists and site visits involved Category 2 and 3 stores. Preliminary feedback indicates that these smaller stores do not administer incentive programs for reusable bags and have not incorporated many Program components.
<p>County Ordinance: Enforcement of Benchmarks</p> <p>Affected stores in the unincorporated County must meet the following benchmarks to reduce plastic bag use and increase at-store recycling, otherwise actions to establish a ban will be triggered:</p> <ol style="list-style-type: none"> 1. 30 percent reduction by July 1, 2010 2. 65 percent reduction by July 1, 2013 <p>A one-year extension may apply if the actual observed reduction is within 3 percent of a benchmark goal and "good faith" efforts have been demonstrated.</p>	<p>April 1, 2010</p>	<p>County Counsel has not yet commenced preparation of the draft ordinance as it is not required until April 1, 2010. Consideration of the draft Ordinance will require California Environmental Quality Act (CEQA) compliance.</p> <p>On July 17, 2008, a group called "Save the Plastic Bag Coalition" filed a lawsuit challenging the Board's January 22, 2008 action adopting the voluntary program. County Counsel filed a demurrer motion on a number of grounds.</p> <p>On January 27, 2009, the Court granted the County's demurrer to the CEQA writ cause of action with leave to amend on the basis that the Coalition has not alleged sufficient facts to show it has</p>

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
		<p>CEQA standing. The Court did grant the Coalition an opportunity to cure this defect by filing an amended Petition for Writ within ten days from January 27, 2009.</p> <p>The scheduled trial/hearing dates have been taken off calendar pending the Coalition's filing of an amended Petition for Writ.</p>
<p>County Ordinance: Environmental Awareness Message</p> <p>Require that each plastic carryout bag distributed by affected stores in the unincorporated County is imprinted with an environmental awareness message.</p>	<p>No due date specified</p>	<p>County Counsel has not yet commenced preparation of an ordinance. We are considering a proposed ordinance that addresses both benchmarks and the environmental message.</p>
<p>Board adopted State Legislative Position to Reduce Plastic Bag Litter</p> <ul style="list-style-type: none"> • Repeal State law that prevents local government from imposing a point-of-purchase fee on plastic carryout bags. • Implement a Statewide fee on plastic carryout bags, with revenue directed to local governments on a per-capita basis, or establish Statewide benchmarks to reduce consumption and increase at-store recycling of plastic carryout bags. • Require an environmental awareness message on plastic carryout bags describing the negative impacts of littered plastic carryout bags on the environment and wildlife, and the need to use reusable bags. 	<p>2008 Legislative Year</p>	<p>All legislation pertaining to plastic bags stalled at the end of the 2007-08 Legislative Session. As indicated in the CEO's October 31, 2008, we continue to advocate for the policies as directed by your Board during the 2009-2010 legislative session.</p> <p>We are supporting the provisions of the consensus bill that had the support of key sponsors and stakeholders at the end of the 2007-08 Legislative Session, which included:</p> <ul style="list-style-type: none"> • A per transaction fee cap • Funding returned to individual stores • Per capita funds for local governments and competitive grants for local governments and non-profit organizations • Fee exemptions for Women, Infants, and Children (WIC) or food stamp program participants.

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Board adopted State Legislative Position to Reduce Plastic Bag Litter (continued)</p>		<p>In December 2008, County staff met with representatives of Heal the Bay and Assembly Members Davis and Brownley, the two remaining co-authors of the plastic bag legislation from last session. While agreement was achieved on virtually all policy issues, there was disagreement over who would introduce the legislation this session. As a result, both Assembly Member Brownley (AB 68) and Davis (AB 87) introduced nearly identical bills. The two bills are likely to be merged as this issue is advanced.</p>
<p>City Actions and Related Litigation</p> <p>On July 17, 2007, the City of Oakland adopted an ordinance banning the distribution of plastic carryout bags, allowing only paper or compostable single use bags. On August 3, 2007, the plastic bag industry filed suit in Alameda Superior Court to block implementation of the ordinance, arguing that the City failed to analyze the potential environmental impact of the ordinance as required by the CEQA.</p> <p>Since early 2008, the following cities have taken action to ban the use of plastic bags, and in some cases, paper bags as well:</p> <ul style="list-style-type: none"> • Gardena • Los Angeles • Malibu • Manhattan Beach • Santa Monica 	<p>Not Applicable</p>	<p>On April 17, 2008, the Superior Court agreed with the plastic bag industry and ruled that the City's ordinance did not comply with CEQA, thus voiding the City's ordinance. The City is evaluating whether to contest the court's ruling, or pursue completion of CEQA environmental documentation. This process would delay the implementation of the ordinance by at least a year and may cost upwards of \$100,000 to complete. The City of Oakland has not taken any reportable action.</p> <p>On July 22, 2008, the Los Angeles City Council voted to ban plastic bags throughout the City by July 1, 2010, if a statewide fee on plastic bags is not implemented by that time. They also voted to support AB 2058, provided that it is amended to eliminate the 70 percent reduction mandate, and instead require stores to charge 25 cents per bag for all paper, plastic or other single use bags distributed; and that most of the revenue was returned to local governments on a per capita basis.</p>

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SINGLE USE CARRYOUT BAGS		
PROGRAM ELEMENT	DUE DATE	STATUS
City Actions and Related Litigation (continued)	Not Applicable	<p>The same action also included recommendations to phase-out EPS food containers throughout City operations over the next two years as follows:</p> <ul style="list-style-type: none"> By July 1, 2008 for City departments By July 1, 2009 for City-permitted events By July 1, 2010 for lease and concession agreements <p>The Save the Plastic Bag coalition has filed a lawsuit challenging actions by the City of Manhattan Beach, contesting whether the city complied with all necessary CEQA environmental documentation. They are threatening similar lawsuits to the Cities of Gardena, Malibu, and Santa Monica.</p> <p>The City of Manhattan Beach initially did not complete any environmental documentation when banning plastic bags, however following a threat of a CEQA lawsuit by the coalition, they drafted a negative declaration, then went on to adopt the Ordinance. The coalition subsequently filed suit claiming the need for a full EIR prior to the adoption, and requesting a temporary injunction. On December 18, 2008, a judge approved the coalition's request for an injunction to the City's Ordinance. In issuing the ruling, the judge noted the likelihood that a full EIR would be required in this case. We will continue to monitor the case.</p>

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
SINGLE USE CARRYOUT BAGS AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS**

EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Phasing Out EPS Food Containers at County Operations</p> <p>An April 2008 staff report prepared by DPW included research on the environmental impacts of EPS food containers, alternatives to EPS, and case studies from other jurisdictions. The report, which was reviewed by stakeholders, interest groups, and County departments, made the following findings and recommendations:</p> <ol style="list-style-type: none"> 1. Replacing EPS food containers with reusable and durable goods, where feasible, would have the highest positive impact on the environment. 2. Prohibiting the purchase and use of EPS food containers at County operations would be feasible for the majority of departments since EPS use is moderate and several departments already use alternative products. 3. Alternative products may be significantly more expensive depending on material used, manufacturing process, and durability of the product. This may be especially critical for departments in which health, safety, and/or security is an operational issue since viable alternative products are much more limited. 	<p>May 2008 (prior target date; revised dates indicated below by Program Element)</p>	<p>An October 15, 2008 status report to your Board, which included the DPW staff report, provided an update on each of the Board actions concerning EPS food containers. The Status Report recommended the following:</p> <ul style="list-style-type: none"> • Retention of a consultant by the Internal Services Department (ISD) to supplement the findings of the DPW report by further studying EPS usage and specifying preferred alternative products based on the following alternative product hierarchy: <ol style="list-style-type: none"> 1. Reusable and durable goods 2. Biodegradable single-use products 3. Recyclable single-use products 4. Other non-EPS products 5. EPS products (cases where waiver is approved) • Revision of the Countywide Purchasing Policy by ISD to incorporate the alternative product hierarchy. • Completion of a life cycle analysis by a consultant to examine the comparative environmental impacts of EPS and alternative products. <p>In order to allow sufficient time for departments to procure alternative products and amend existing contracts, an effective date of August 1, 2009, was recommended for the phase-out of EPS food containers at County facilities.</p>

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EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™		
PROGRAM ELEMENT	DUE DATE	STATUS
Specific Program Components (EPS)		
<ul style="list-style-type: none"> • ISD to revise Countywide Purchasing Policy to incorporate the alternative product hierarchy. 	October 2008	ISD incorporated the alternative product hierarchy into the County's "Green Purchasing" Policy on October 28, 2008.
<ul style="list-style-type: none"> • ISD to retain a consultant to study product alternatives, establish departmental purchasing guidelines, and complete a life cycle analysis. 	November 2008	The consultant contract was executed on December 2, 2008.
<ul style="list-style-type: none"> • Energy & Environment Team to develop EPS outreach program and inform departments. 	March 2009	Energy & Environment Team will discuss strategies and methodologies during the next team meeting.
<ul style="list-style-type: none"> • Consultant to complete study and life cycle analysis. 	May 2009	DPW is overseeing the consultant's efforts to deliver services.
<ul style="list-style-type: none"> • Energy & Environment Team to provide semi-annual reports for three years on progress of implementing the restriction at County operations. 	Every six months for three years	Energy & Environment Team to identify key staff responsible for completing semi-annual progress reports. Staff attended the January 28, 2009 Team meeting and will continue to coordinate with Team members to develop reporting protocol.
<ul style="list-style-type: none"> • The Working Group to continue exploring opportunities to enhance public education/outreach on alternatives to EPS products. 	No date specified	The Working Group will continue to collaboratively develop outreach materials to enhance public awareness and receptiveness on reducing the environmental impacts of litter from EPS food containers. Proposal to develop outreach materials specifically for EPS litter will be discussed by the next Working Group meeting on March 18, 2009.
<ul style="list-style-type: none"> • DPW to evaluate the feasibility of implementing a pilot effort aimed at recycling EPS food containers from the Sheriff and/or Health Services. 	June 2009	DPW will work with the Sheriff, Health Services, and local recyclers to determine if an EPS food container program will be recommended for implementation. Staff is working with the Sheriffs, an EPS recycling company, PDR, and County Counsel to implement a pilot EPS recycling program.

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EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS – COMMONLY KNOWN AS STYROFOAM™		
PROGRAM ELEMENT	DUE DATE	STATUS
<p>Phasing Out EPS Food Containers in Unincorporated County Areas</p> <ul style="list-style-type: none"> • DPW to evaluate the restriction on County departments, conduct outreach effort, and develop Board recommendations on feasibility of expanding the restriction to unincorporated County areas. • Working Group to solicit input from stakeholders and affected food service establishments/retail stores regarding unincorporated County areas program. • Working Group to complete evaluation, taking into account the consultant's findings on environmentally friendly alternatives and life-cycle analysis examining comparative environmental impacts of EPS and alternative products. • Working Group to report recommendations to the Board, including changes to the County Code as required. 	<p>No date specified</p> <p>January 2010</p> <p>Spring 2010</p>	<p>Upon full implementation of alternative product use at County operations (Phase I), the effectiveness of the EPS restriction will be evaluated in collaboration with the Working Group. Based on this evaluation, the feasibility of expanding the EPS restriction to unincorporated County area retail stores and food service establishments (Phase II) will be determined in collaboration with key stakeholders.</p> <p>The consultant's analyses will be completed in May 2009.</p>
<p>Board adopted State Legislative Position to Reduce EPS Food Container Litter</p> <ul style="list-style-type: none"> • The CEO and DPW will continue to monitor legislation introduced in future years related to EPS. • Require State agencies and contractors to utilize alternatives to EPS food container products. 	<p>No date specified</p> <p>2008 Legislative Year</p>	<p>We will continue to advocate for the policies as directed by the Board during the upcoming legislative session.</p> <p>County-sponsored AB 820 (Karnette) aimed to prohibit a State facility from selling, possessing, or distributing EPS food containers after January 1, 2009. State agencies would have been directed to require prospective contractors to certify that they would not sell, possess, or distribute an EPS food container at a State facility. AB 820 was not approved in the 2008 legislative year.</p>