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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

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TO: Each Supervisor
FROM: Gail Farber *Gail Farber*
Director of Public Works

EXPANDED POLYSTYRENE FOOD CONTAINERS – FEASIBILITY OF ADOPTING A RESTRICTION AT BUSINESSES IN UNINCORPORATED COUNTY AREAS QUARTERLY PROGRESS REPORT NO. 2

On September 21, 2010, your Board adopted a prohibition on the purchase and use of expanded polystyrene (EPS) food containers at County operations and instructed the Director of Public Works and County Counsel to report back within 12 months on the feasibility of implementing a restriction on the use of EPS food containers at food service establishments and retail stores in the County unincorporated areas, including potential recommended changes to the County Code.

Your Board further directed Public Works to specifically look at appropriate infrastructure to handle alternative materials as part of its feasibility study and to provide quarterly updates to your Board as to the progress that is being made. This is the second quarterly report.

Stakeholder Process

Public Works continues to work collaboratively with stakeholders to evaluate the feasibility of restricting EPS food containers in the unincorporated County areas. Since the last report on December 21, 2010, the stakeholder working group, consisting of representatives from restaurants and retailers, manufacturers of EPS and alternative food containers, business advocacy organizations, environmental organizations, consumer advocacy groups, and government agencies, continued its discussions and evaluation and conducted a tour of an EPS recycling facility in Chino.

The stakeholder working group discussions have provided valuable insights regarding opportunities and challenges for restricting EPS and using alternative food containers. Key factors that stakeholders requested be considered in evaluating the feasibility of restricting of EPS included performance requirements of the food containers, customer expectations and safety, costs, as well as available infrastructure. Experiences of those businesses and a local municipality that restricted EPS were also shared. A number of the stakeholders appreciated the County's transparent and inclusive approach.

EPS producers maintain that EPS recycling is viable and recommend that the market be allowed to decide how much EPS is used. At its recommendation, on February 23, 2011, the stakeholder working group conducted a tour of NEPCO, an EPS recycling facility located in Chino that employs 29 full- and part-time employees. This facility takes used EPS packaging and food containers and through a recycling process manufactures picture frames. This facility currently operates at full capacity.

Public Works staff continues to research case studies from the implementation of similar prohibitions in other municipalities in California and the nation. On numerous occasions, staff met with representatives of the bioplastics food container industry and the paper products industry to discuss the performance, availability, and disposal methods of their food container products. Staff also met with representatives of McDonalds and Starbucks, who have largely eliminated the use of EPS food containers in their operations, to discuss their experience in purchasing and using alternative products in their operations.

These and future tours and meetings with stakeholders will assist in evaluating the issues brought up by the stakeholders in forming the basis for a recommendation to your Board.

Evaluation of Prohibition at County Operations

Concurrently, Public Works staff is evaluating the success of the prohibition of EPS food containers at County operations. Staff contacted departments that have completed their transition to alternative products, and they report successful implementation of the program.

Also, the Sheriff's Department recently decided to discontinue the purchase of EPS food containers and trays, and use reusable products instead. As a result, the Sheriff's pilot EPS food container recycling program has been cancelled. Public Works staff is assisting the EPS recycling company in evaluating other areas in the County where EPS recycling opportunities may exist.

NG/SC:td

cc: County Counsel
Chief Executive Office
Executive Office
Internal Services
Office of Sustainability