

MOTION BY SUPERVISORS SHEILA KUEHL AND JANICE HAHN August 1, 2017

Polystyrene Food Service Ware Ban in Los Angeles County Unincorporated Areas
- 2011 Feasibility Report Update

The health of the waterways in Los Angeles County is a critical part of the region's environmental sustainability, self-reliance, and economic vitality. Uncontrolled waste-stream pollution continues to negatively impact our waterways, adjacent lakes, and the Pacific Ocean.

Polystyrene is a synthetic material used in a variety of products, including single-use Food Service Ware. Polystyrene is defined in this motion to mean a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to polystyrene foam or expanded polystyrene (EPS), processed by a number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, or extrusion-blow molding (extruded foam polystyrene), and clear or rigid polystyrene (oriented polystyrene).

Food Service Ware includes products used for serving or transporting prepared food including, but not limited to plates, bowls, trays, wrappers or wrapping, platters,

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cartons, condiment containers, cups or drink ware, straws, lids, utensils, or any other container in or on which prepared foods are placed or packaged for consumption.

Food Service Ware made of expanded polystyrene (comprised of 95% air) is so light that it often blows out of overflowing trash receptacles and ends up in our rivers, streams, and the ocean, where it breaks down into small pieces and can harm human health as well as threaten our ecosystem and wildlife. Studies show that plastics, including polystyrene products, make up as much as 60-80% of marine debris. More specifically, in 1998-2000 the California Department of Transportation (Caltrans) carried out the Litter Management Pilot Study (LMPS) in the Los Angeles Region. The study determined that 15% of litter components were made of expanded foam. In 2015, volunteers participating in California's annual Coastal Cleanup event collected more than 24,000 pieces of foam and plastic packaging.

Polystyrene products comprise a considerable portion of the litter currently polluting not only our oceans, but also our local communities. As part of our efforts to improve the quality of life of our residents and simultaneously comply with the provisions of the Federal Clean Water Act, the County has spent millions of dollars retrofitting catch basins, collecting trash, sweeping streets, and conducting anti-litter public outreach.

Moreover, styrene, a component in polystyrene products, is a chemical known to the State of California to cause cancer and is included as a listed chemical under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) by the California Office of Environmental Health Hazard Assessment. Styrene leaches into our food and water and may negatively impact public health.

Over one hundred municipalities in California including Santa Monica, Calabasas, Culver City, Hermosa Beach, Malibu, Manhattan Beach, Pasadena, South Pasadena,

and West Hollywood have adopted ordinances prohibiting or restricting polystyrene Food Service Ware and instead require the utilization of cost-effective reusable, recyclable, or biodegradable alternatives. These restrictions have resulted in significant reductions in the volume of polystyrene products in our waste streams and throughout our natural environment.

In 2010, the County of Los Angeles banned the use of EPS food containers in County operations. In November 2011, the County of Los Angeles Department of Public Works, at the direction of the Board of Supervisors, undertook an extensive outreach and stakeholder engagement process to explore the feasibility of banning EPS products. At the conclusion of that process, the Department of Public Works issued a Feasibility Report in 2011 concluding that viable alternatives to EPS food packaging existed, and that an EPS food container ban was feasible. The Board of Supervisors decided to hold off on adopting a County ordinance banning EPS food containers in 2011 pending a state bill that was making its way through the California legislature that would have banned EPS containers state-wide. That legislation was never enacted.

In the interim six years, new technologies and products have come to market that offer even more attractive, cost-effective alternatives to polystyrene Food Service Ware. Cities across the state have responded with their own polystyrene Food Service Ware bans. For these reasons, it is appropriate to update the County's 2011 Feasibility Report to incorporate new information and reflect the current waste management landscape.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Department of Public Works in coordination with the Chief Sustainability Officer, the Department of Public Health, and County Counsel to:

1. Update and expand the November 2011 report “Expanded Polystyrene Food Containers in Los Angeles County” to include all Food Service Ware made of polystyrene, including EPS; explore the latest advancements in alternative Food Service Ware products and technology; provide a revised cost study comparing the cost of polystyrene Food Service Ware products against the cost of alternative Food Service Ware products; undertake an analysis of the effectiveness and use of hardship waivers for small businesses in other jurisdictions that have adopted polystyrene bans; provide a summary of existing research into the human health risks associated with polystyrene and alternative Food Service Ware materials and products; provide an analysis of the current capabilities and challenges associated with recycling and/or composting both polystyrene Food Service Ware products and alternative Food Service Ware products; and analyze the potential for expanding County recycling and composting capabilities and programs to optimize recycling and/or composting of polystyrene and alternative Food Service Ware products.
2. Return to the Board within 180 days with the revised report for consideration by the Board of Supervisors.