



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
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GAIL FARBER, Director

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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **EP-4**
A3509i

December 21, 2010

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. 1

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 the Board as to the progress that is being made. This is the first quarterly report.

Approach

Public Works initiated a collaborative process to evaluate the feasibility of restricting EPS food containers in the unincorporated County areas. The first step was to convene a stakeholder working group and solicit feedback and ideas from all interested parties. Building on efforts leading up to your Board's action on September 21, 2010, the stakeholder working group now includes representatives from restaurants and retailers, manufacturers of EPS and alternative food containers, business advocacy organizations, environmental organizations, consumer advocacy groups, and government agencies. The first working group meeting provided an opportunity for group discussions regarding a variety of options to address this issue and was very constructive. The next meeting is scheduled for January 2011.

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In collaboration with the stakeholder working group, the effectiveness of alternatives to EPS food containers used by private food establishments and retail stores operating in unincorporated areas will be evaluated. Concurrently, Public Works staff is evaluating the success of the prohibition of EPS food containers at County facilities, as well as the newly launched EPS food recycling pilot program at the Sheriff's Department.

In addition, Public Works staff continues to research case studies from the implementation of similar prohibitions in other municipalities in California and the nation. Staff met with representatives of the City of Santa Monica in December to discuss the City's prohibition, which was implemented in 2008. Case studies, as well as experience and feedback from potentially affected industries, will be evaluated in forming the basis for a recommendation to your Board.

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cc: County Counsel
Chief Executive Office
Executive Office ✓



GAIL FARBER, Director

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March 21, 2011

IN REPLY PLEASE

REFER TO FILE: EP-4
A3509-2

TO: Each Supervisor
FROM: Gail Farber *Mail 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.

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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



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June 23, 2011

IN REPLY PLEASE

REFER TO FILE: EP-4

A3509-3

TO: Each Supervisor

FROM: 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. 3

On September 21, 2010, your Board adopted a prohibition on the purchase and use of expanded polystyrene (EPS) food containers at County operations to take effect 60 days following your action. Your Board also instructed the Director of Public Works and County Counsel to report back, within 12 months of implementing the prohibition, 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. Consistent with your Board's direction, the goal of this effort is to obtain input from affected stakeholders before a recommendation is presented to your Board.

Your Board further directed Public Works to 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 third 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. We anticipate providing this conclusion, as well as a recommendation for your consideration, as part of our fourth quarterly report, due to your Board on September 21, 2011. Since the last report on March 21, 2011, the stakeholders working group (Working Group), consisting of representatives from restaurants and retailers, manufacturers of EPS and alternative food containers, business advocacy organizations, consumer advocacy groups, environmental organizations, waste management agencies, and government agencies, continued its constructive discussions and evaluation.

The Working Group discussions have provided valuable insights regarding opportunities and challenges for restricting EPS and using alternative food containers. Industry

representatives have expressed concerns regarding the financial impact a ban might have and have also raised issues regarding the effectiveness of a ban in reducing EPS litter and other environmental impacts from EPS food containers. Environmental representatives have conveyed the importance of banning EPS food containers and the availability of alternative products that are already widely used. Working Group members have recommended that a number of elements be considered in developing the recommendation to be submitted to your Board. Based on discussions with the Working Group, the following elements will be evaluated as part of Public Works' development of a recommendation to your Board:

- Expansion of the current EPS prohibition at County operations to certain retailers
- Recycling of food containers
- Composting of alternative products
- Education
- Disposal and litter maintenance
- Conversion technologies (waste to energy)
- EPS fee on disposable food containers

There was a general consensus by the members that an educational element as well as a litter disposal and maintenance element should be part of a comprehensive solution presented to your Board. Public Works' staff, with the assistance of the Working Group, continues to compile and evaluate additional information on the environmental impact of EPS food containers at local beaches and rivers. In addition to expanding the case studies to include retailer efforts to reduce EPS food containers, together with the Working Group, we are evaluating the recycling of food containers and composting of alternative food containers.

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. To date, Departments report that they have successfully transitioned to alternative products on schedule, as provided to your Board on September 21, 2010. The alternative products have not resulted in any significant financial or operational impacts, and County employees at the affected facilities have responded positively to the change.

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cc: County Counsel
Chief Executive Office



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September 21, 2011

IN REPLY PLEASE
REFER TO FILE: EP-4
A3509-4

TO: Each Supervisor

FROM: Gail Farber 
Director of Public Works

BOARD MOTION OF SEPTEMBER 21, 2010, AGENDA ITEM 29 EXPANDED POLYSTYRENE FOOD CONTAINERS – FEASIBILITY OF ADOPTING A RESTRICTION AT BUSINESSES IN UNINCORPORATED COUNTY AREAS QUARTERLY PROGRESS REPORT NO. 4

On September 21, 2010, your Board adopted a prohibition on the purchase and use of expanded polystyrene (EPS) food containers at County operations to take effect 60 days following your action. Your Board also instructed the Director of Public Works and County Counsel to report back, within 12 months of implementing the prohibition, 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 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 fourth quarterly report.

Evaluation of Prohibition at County Operations

Public Works staff conducted an evaluation of the prohibition of EPS food containers at County operations. All affected departments were contacted, and those that have completed the transition to alternative products reported they have not experienced a significant financial or operational impact. A detailed summary of the departments' assessment of the impact of the EPS ban on their operations will be included in the final report due to your Board in November 2011.

Stakeholder Process

Through collaboration with stakeholders, Public Works has continued to evaluate the feasibility of restricting EPS food containers in the unincorporated County areas. Since the last report on June 23, 2011, the stakeholders working group (Working Group),

consisting of representatives from restaurants and retailers, manufacturers of EPS and alternative food containers, business advocacy organizations, consumer advocacy groups, environmental organizations, waste management agencies, and government agencies, continued to meet to discuss and evaluate potential options for consideration. The Working Group meetings have included numerous presentations by experts from various industries (including the alternative products industry), environmental organizations, restaurant associations, public agencies, and others regarding the environmental and economic impacts of a potential ban on EPS food containers.

The Working Group discussions have provided valuable insights regarding opportunities and challenges for restricting EPS and using alternative food containers. Environmental organization representatives have conveyed the importance of litter prevention and noted that alternative products are widely available. They are in support of banning EPS and also support additional measures to reduce litter such as additional public education and litter collection infrastructure. The plastics industry and restaurant association representatives have expressed concerns regarding the financial impact a ban might have on small food service establishments. They believe EPS provides customers with superior performing food ware at better prices than alternatives and indicated they oppose a ban on EPS. However, along with the environmental groups, they support additional measures to reduce litter, including litter prevention and collection and public education. They have expressed willingness to fund or partner in efforts to educate the public on litter prevention.

Public Works staff, with assistance from the Working Group, has compiled information on the environmental impact of EPS food containers at local beaches and rivers. In addition, Public Works compiled case studies regarding municipalities that have banned EPS, retailer efforts to reduce usage of EPS food containers, efforts to recycle EPS food containers, and local composting efforts. As to date, 51 jurisdictions in California have restricted the use of EPS in some form, including Los Angeles County's prohibition at County operations. Of those, 38 jurisdictions have prohibited food service establishments from utilizing EPS food containers.

Alternatives to EPS, such as paper, other compostable products, aluminum, and plastics (including recyclable plastics), while generally more expensive, are readily available. The environmental benefit of alternatives is maximized if they are recycled or composted. However, some of these alternative products may end up disposed at landfills due to the lack of local composting infrastructure and/or the difficulty in recycling due to contamination.

There are limited studies regarding the economic impact of municipal bans. Typically, studies may identify differences in cost of different products but do not evaluate the impact on business viability/competitiveness. It is estimated that restaurants currently

utilizing EPS food containers may incur \$3,000 to \$5,000 in increased costs if required to switch to other single-use food containers, such as similar paper products. Both the plastics industry and restaurant representatives have expressed strong concerns regarding the impact this would have on the smaller restaurants that currently utilize EPS food containers. Some ordinances adopted by municipalities incorporate hardship provisions that would allow a business to apply for a renewable one-year waiver from the prohibition based on operational or economic hardship. Public Works has no record of any business filing for such a waiver.

Policy Options

As discussed in our June 23 quarterly report, at the request of the Working Group, Public Works has researched the following elements, in developing policy options and recommendations to your Board that would reduce the negative impacts of EPS food containers to the maximum extent feasible:

- Expansion of the current EPS prohibition at County operations to certain retailers
- Recycling of EPS food containers
- Recycling and composting of alternative products
- Education
- Disposal and litter maintenance
- Conversion technologies (waste to energy)
- Fee on EPS or all disposable food containers

Upon consideration of the stakeholder feedback and staff research, Public Works has identified the following four broad policy options:

- Statewide Ban – Pursue passage of a Statewide prohibition on the use of EPS at food service establishments. A Statewide prohibition would provide a uniform policy and maximize the environmental benefits and economies of scale for alternative products.
- County Ban (Unincorporated Areas) – Partially or fully prohibit EPS food containers at certain food service establishments in the unincorporated areas. Components to this proposal would likely include drafting an ordinance, preparing appropriate environmental documentation, conducting an economic study, conducting an educational campaign, and developing an enforcement plan.
- Comprehensive Efforts Other Than a Ban – Implement a combination of the following elements, in partnership with stakeholders:

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- Increasing public education efforts
- Expanding investment in litter maintenance and infrastructure
- Expanding recycling and composting

- Continuation of Current Efforts
 - Litter prevention
 - Public education
 - Litter collection and infrastructure
 - Recycling, composting, and other waste diversion strategies

Public Works will continue to solicit the Working Group's input prior to submitting a final report to your Board in November 2011.

NG/td

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cc: Chief Executive Office
County Counsel