

REVISED LEGISLATIVE DIGEST

(7/12/2016, Amended in Board)

[Environment Code - Food Service and Packaging Waste Reduction]

Ordinance amending the Environment Code to prohibit the sale of food service ware and other specified products including packing materials that are made from polystyrene foam or that are non-recyclable and non-compostable; setting operative dates; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Environment Code bars restaurants, retail food vendors, City departments, and the City's contractors and lessees from using food service ware made from polystyrene foam, and requires them to use compostable or recyclable products. "Food service ware" means food containers and utensils designed for one-time use.

Amendments to Current Law

The proposal is an ordinance that would amend the Environment Code to make a number of changes.

The proposal would ban the sale of food service ware that was made from polystyrene foam or that was not either recyclable or compostable. (This ban would be in addition to the existing ban on particular *uses* of such food service ware.) The ordinance would allow the sale of prepared food packaged in non-compliant food service ware if the food was packaged outside the City and sold to the consumer in the same packaging.

The proposal would ban the sale of certain other products that were made from polystyrene foam not wholly encapsulated or encased within a more durable material:

- Packing materials, including shipping boxes and packing peanuts;
- Coolers, ice chests, or similar containers;
- Pool or beach toys; and,
- Dock floats, mooring buoys, or anchor or navigation markers.

The proposal would ban the sale of egg cartons and meats trays that were made from polystyrene foam or that were not either recyclable or compostable.

The proposal would ban the sale of packing materials that were not either recyclable or compostable. It would not be a violation of the ordinance to:

- Receive shipments within the City that included polystyrene foam, or some other non-compostable and non-recyclable product, used as packing material;
- Re-use non-compliant packing materials for shipping, transport, or storage within the same distribution system, where the packing materials were not sent to a consumer or end user;
- Donate used non-compliant packing materials to another person, where the donor received nothing of value for the donated packing materials; or,
- Use donated non-compliant packing materials for shipping, transport, or storage, where the person using the packing materials received nothing of value for the donated packing materials.

The proposal would transfer enforcement of the program from the City Administrator to the Department of the Environment, and make other technical changes.

The proposal would become operative on January 1, 2017, except for the provisions applicable to Meat and Fish Trays, which would become operative on July 1, 2017.

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