



EXPANDED POLYSTYRENE DISPOSABLE FOOD SERVICE WARE BAN FAQ SHEET



Background

On November 16, 2016 the South Pasadena City Council unanimously voted to ban the use of expanded polystyrene disposable food service ware within South Pasadena (SPMC 16.40).

What is Expanded Polystyrene?

Expanded polystyrene (EPS), also known by its trademark name, Styrofoam, is a foamed plastic material commonly used for single-use disposable food service ware such as cups, plates, trays, bowls, and hinged or lidded containers. EPS is identified by the recycling symbol #6. While EPS is technically recyclable there is, to date, no meaningful recycling of EPS due to high food contamination rates and a very weak market to clean, handle, and process the material.

Why Did The City Ban Expanded Polystyrene?

Expanded polystyrene is a non-biodegradable material that tends to break up into very small pieces that are dispersed widely due to their lightweight nature. This plastic waste causes significant environmental damage to the beach and wildlife. Polystyrene is made from crude oil and when improperly disposed of, persists in the environment for hundreds of years. The City banned single-use EPS food service ware in response to community requests and concern over long term environmental impacts.

When Does The Ordinance Take Effect?

Until October 2017, the City will engage in an educational campaign to allow contractors, business owners, etc. to transition away from EPS to reusable, recyclable, or compostable alternatives. From October 1 through December 31, 2017, the City will only issue warnings for violations of the Ordinance. On January 1, 2018, Code Enforcement will begin issuing tickets for violations of the Ordinance.

Who Must Comply With The New Ordinance?

Food providers or nonprofit food providers shall not provide prepared food to their customers in disposable food service ware made of EPS; nor shall they purchase, obtain, keep, distribute, sell for home or personal use, or give, serve, or otherwise provide to customers any disposable food service ware made of EPS. Food provider includes but is not limited to (1) a grocery store, supermarket, restaurant, drive-through, cafe, coffee

shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where prepared food is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food provider also includes any organization, group or individual that regularly provides prepared food to its members or to the general public as a part of its activities or services. The ordinance also covers food containers purchased by city staff, city-sponsored events, city co-sponsored events, city-managed concessions and city-permitted events.

What Types of Containers Are Banned?

This ban applies to single-use disposable containers intended for serving or transporting prepared, ready-to-eat food or beverages. Examples include cups, plates, trays, bowls, and hinged or lidded containers. It does not apply to food items that are packaged outside of the City or that are used for raw, butchered, ground, chopped, or sliced meats, fish, and/or poultry sold from a butcher case or similar retail appliance for subsequent preparation.

What Types of Containers Are Acceptable to Use?

Any material other than expanded or foam polystyrene is acceptable. Examples would include; oriented, rigid, or clear polystyrene, coated paper, uncoated paper, compostable plant fiber, bio-plastics, aluminum, recyclable plastics, or compostable material.

Are There Exemptions?

This ban does not apply to food items which are packaged outside the boundaries of the city, provided that such food is not altered, packaged or repackaged within the city limits; food brought by individuals for personal consumption to city facilities, including but not limited to city parks, and centers, provided that the city facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event that is otherwise governed by SPMC Section 16.42 (B-E); or EPS coolers and ice chests that are intended for reuse are exempt from the provisions of this Chapter.

Nor does it apply to food packaging required to be purchased under a contract entered into one year prior to the effective date of this ordinance, and shall apply for up to one (1) year thereafter.

What Are The Penalties For Non-compliance?

Upon violation, a written warning notice will be issued. The first violation after the warning will be a \$100 fine followed by a \$200 fine for a second violation, and a \$500 fine for every subsequent violation thereafter.

Useful Websites

www.calrecycle.ca.gov/venues/

www.calrecycle.ca.gov/venues/Mandates/default.htm

