

Single Use Plastic Reduction Ordinance

Effective April 1, 2024

Presented March 13, 2024

NAME

Background

- City Council passed Single Use Plastic Reduction Ordinance in December 2022
- Effective April 1, 2023 – businesses making under \$500,000 annually automatically exempt
- **Now** effective April 1, 2024 – city-wide compliance



Background

Polystyrene foam, commonly known as “Styrofoam”

- Is threat to the environment in San Diego as litter which can be ingested by birds, fish, and other organisms.
- Is energy intensive and costly to recycle.
- Is a potential nuisance contaminant in organic waste recycling.



Background (continued)

- Single-use straws and eating utensils are made of plastic and are a threat to the environment.
- Plastic is not biodegradable.
- Single-use plastics are a potential nuisance contaminant in both the recycling and organic waste recycling streams.



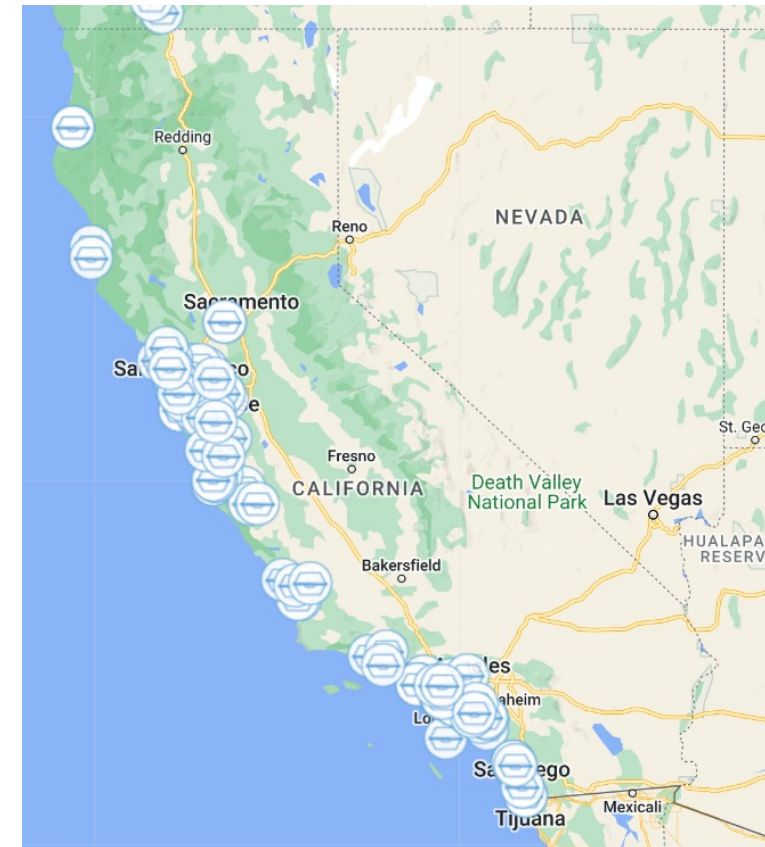
Supports Local Goals

- City of San Diego Climate Action Plan, Strategy 4, Circular Economy and Clean Communities, Measure 4.1, Changes to the Waste Stream calls for the following Action:
 - Approve and implement the Polystyrene Foam and Single Use Plastics Ordinance, pending Environmental Impact Report
- Zero Waste Plan:
 - Reduce landfill disposal by 90% by 2035
 - Promote local policies and ordinances that encourage manufacturers, consumers, and waste producers to be responsible for waste



Other California Ordinances

- Over 130 jurisdictions in California have ordinances addressing polystyrene foam including:
 - Alameda County, Long Beach, Los Angeles, Oakland, San Francisco, and San Jose
 - Carlsbad, Del Mar, Encinitas, Imperial Beach, Oceanside, San Marcos, Solana Beach, Vista



Ordinance

- No person or business may distribute food service ware, food trays, or egg cartons made, in whole or in part, from polystyrene foam.
- No person or business may distribute the following if made in whole or part from polystyrene foam unless wholly encapsulated within another material:
 - Coolers, ice chests, or similar containers
 - Pool or beach toys
 - Dock floats, mooring buoys, anchor or navigation markers
- No person shall use polystyrene foam products at City facilities (including parks and beaches).



Ordinance (continued)

- A food vendor may only offer plastic and bio-plastic straws and utensils **upon request**.
- Ordinance does not prohibit businesses from providing a self-service station for customers.
- The ordinance does not prohibit asking the customer if they would like to be given a straw or utensils.



Ordinance Definitions

- *Utensils* - straw, fork, spoon, or knife made of plastic derived from petroleum or bio-plastics.
- *Food service ware* – containers, bowls, plates, trays, cups, lids, and other similar items, that are designed for one-time use for prepared food, including takeout food or leftovers.
- *Food tray* – a tray commonly used for packaging food to retail consumers
- *Prepared food* – food or beverages which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared... but does not include raw eggs or butchered meats, fish, or poultry

Exception

- *"It shall not be a violation of section 66.0902(a) to distribute **prepared food** packaged in food service ware or use food trays made, in whole or in part, from polystyrene foam, if the prepared food is packaged outside the City and is provided to the consumer as originally packaged."*
 - **Prepared food means** food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared within the City of San Diego for individual consumers.
 - **Prepared food includes** takeout food, but **does not include** raw eggs or raw, butchered meats, fish, or poultry.

Alternatives to polystyrene foam

Preferred

Material	Product	Comments
Reusable service ware (ceramic, glass, reusable plastic, etc.).	Reusable plates, bowls and cups.	Wash and reuse.
Paper (coated or uncoated).	Bowls, plates, trays, cups, hinged containers, boxes.	Recyclable if dry and free of food and food residue.
Aluminum.	Trays, lidded containers, wrap.	Recyclable if free of food.
Plastic (rigid, non-foam).	Bowls, plates, trays, cups, lids, hinged containers.	Recyclable if free of food.

Alternatives to polystyrene foam (continued)

NOT Preferred

Material	Product	Comments
"Compostable" and "biodegradable" plastic, sugarcane, bagasse, bamboo, molded fiber and other similar items.	Bowls, plates, trays, cups, hinged containers, boxes, lids, wrap.	Not Recyclable, must be placed in trash. Not accepted in local recycling or composting programs. Does not help San Diego reach its zero waste goals.

Unsure about your options?

Ask your current supplier about alternatives to polystyrene foam.

Waivers

- In 2024, waivers are available for:
 - **Financial hardship** - for entities with income of less than \$500,000 per year and for which there is no suitable and reasonably affordable alternative product available
 - **Feasibility-based hardship** - in the case that no reasonably feasible alternative to polystyrene foam exists



NOTE:

Automatic financial hardship waivers from April 1, 2023 expire March 31, 2024

Waivers (continued)

- Waivers must be submitted to and approved by ESD.
- May include conditions including periodic check-ins with ESD to report progress.
- Waivers will be approved on a case-by-case basis.
- To request waiver form, email sdrecyclingworks@sandiego.gov



Single Use Plastic Reduction Ordinance Waiver Form

Use this form to apply for a temporary waiver from some of the requirements of the Single Use Plastics Reduction Ordinance.

NOTE: There is an automatic waiver in place through March 31, 2024 for business entities with a gross annual income of less than \$500,000 on their most recent federal income tax filing.

Application is for:

- ☐ A new waiver
☐ A waiver renewal

Waiver type (please select one):

- ☐ Feasibility-based hardship
☐ Financial hardship
☐ Contractual requirement

Per City of San Diego Ordinance O-21588, adopted on December 8, 2022, no person shall distribute food service ware or food trays, made in whole or in part, from polystyrene foam on or after April 1, 2023.

SECTION A: (To be filled out by all applicants)

Pursuant to the provisions of San Diego Municipal Code 66.0906, a waiver from the provisions of section 66.0902(a) regarding food service ware and/or food trays is hereby requested. The Director of the Environmental Services Department may require the applicant to submit additional information or documentation before making a determination regarding the waiver.

Name of person applying for waiver (last name, first name, middle initial):

Name of business or organization:

Enforcement

- Education-first approach
 - SD is committed to educating businesses about the ordinance and how to comply.
- Enforcement is complaint based. Currently only providing technical assistance.

Outreach and Implementation

- Education first approach - Technical assistance provided to impacted businesses
- Talking to: California Restaurant Association, California Grocers Association, California Poultry Federation, Surfrider San Diego, Economic Development Department, and others
- Working with community groups, environmental groups, trade associations, and others to inform the public and those entities impacted by the law on how to comply
- Over 9,000 multilingual (English, Spanish, Tagalog, and Vietnamese) mailers sent to businesses and impacted parties
- Continued social media outreach – Facebook, Instagram, Twitter, LinkedIn
- Hosted 1 recorded webinar and 1 in-person workshop in March 2023
- Dedicated ordinance web page, including email distribution list
- Multilingual materials available – English, Spanish, Tagalog, and Vietnamese
- Sample signage for businesses: informational poster and table tent



Outreach and Implementation (continued)

Single Use Plastic Reduction Ordinance Effective April 1, 2023

- Distribution of most polystyrene foam containers is prohibited. This includes food service ware such as bowls, plates, trays, cups, lids and other similar items, as well as egg cartons and meat trays.
- Single-use plastic (and bio-plastic) straws and utensils may only be provided upon the request of the customer.
- Single-use plastic (and bio-plastic) straws and utensils can be offered to customers or provided at self-service stations.
- The following may not be distributed if made from polystyrene foam unless encased within another material: coolers, ice chests, or similar containers, pool or beach toys, dock floats, mooring buoys, or anchor or navigation markers.
- All polystyrene foam products are prohibited from City facilities (including parks and beaches).



NOTE: There is an automatic waiver through March 31, 2024, for entities with gross income less than \$500,000 on their most recent Federal income tax filing.

Alternatives to Polystyrene Foam

MATERIAL	PRODUCT	COMMENTS
Preferred		
Reusable service ware	Reusable plates, bowls and cups.	Wash and reuse.
Paper	Bowls, plates, trays, cups, hinged containers and boxes.	Recyclable if dry and free of food.
Aluminum	Trays, lidded containers, wrap.	Recyclable if free of food.
Plastic (rigid, non-foam)	Bowls, plates, trays, cups, lids and hinged containers.	Recyclable if free of food.
Not Preferred		
"Compostable" and "biodegradable" plastic, sugarcane, bagasse, bamboo, molded fiber and other similar items.	Bowls, plates, trays, cups, hinged containers, boxes, lids, wrap.	Not recyclable; must be placed in the trash. Not accepted in local recycling or composting programs. Does not help San Diego reach its zero-waste goals.

Ask your current supplier about alternatives to polystyrene foam or check out our webpage at www.sandiego.gov/pf-ban.

Waivers are available for feasibility-based hardship, financial hardship and contractual requirements.

www.sandiego.gov/pf-ban
sdrecyclingworks@sandiego.gov | 858-694-7000

para la reducción del plástico de un solo uso 1 de abril de 2023

La espuma de poliestireno está prohibida. Los para el servicio de alimentos tales como, bandejas, vasos, tapas y otros artículos o cartones de huevos y bandejas para carne. Los platos de plástico (y bioplástico) solo se pueden usar si el cliente los solicita.

Los vasos de plástico de un solo uso se pueden ofrecer a los clientes en las estaciones de autoservicio.

Los platos no se pueden distribuir si están hechos de plástico, a menos que estén recubiertos por otro material o recipientes similares, juguetes para la playa, flotadores para muelles, boyas de amarre o anclas, navegación.

Los productos de espuma de poliestireno están prohibidos en las instalaciones de la ciudad (incluidos los eventos especiales).



Exención automática hasta el 31 de marzo de 2024 para entidades con ingresos brutos de \$500,000 en su declaración de impuestos federales más reciente.

la espuma de poliestireno

PRODUCTO	COMENTARIOS
Reutilizables	Platos, tazones y vasos reutilizables. Lavar y reutilizar.
	Tazones, platos, bandejas, vasos, contenedores plegables y cajas. Reciclable si está seco y libre de alimentos.
	Bandejas, contenedores con tapa, envoltorio. Reciclable si está libre de alimentos.
	Tazones, platos, bandejas, vasos, tapas y contenedores plegables. Reciclable si está libre de alimentos.
De azúcar, edulcorada y otros	Tazones, platos, bandejas, vasos, contenedores plegables, cajas, tapas y envoltorios. No reciclable, debe ser depositado en la basura. No se acepta en los programas locales de reciclaje y compostaje. No ayuda a San Diego a alcanzar sus metas de cero desperdicios.

Para obtener más información sobre alternativas a la espuma de poliestireno o visite nuestra página web en www.sandiego.gov/pf-ban para consultar listas de productos alternativos.

Los productos no están disponibles para las dificultades basadas en la viabilidad, dificultades contractuales.

www.sandiego.gov/pf-ban
sdrecyclingworks@sandiego.gov | 858-694-7000

SAN DIEGO SINGLE USE PLASTICS REDUCTION ORDINANCE

EFFECTIVE APRIL 1, 2023



Food vendors may only distribute plastic (and bio-plastic) straws and utensils upon the request of the customer and/or provide them at self-service stations.



The distribution of most polystyrene foam products is prohibited. This includes food service ware such as: egg cartons, bowls, plates, trays, cups, lids, hinged containers and other similar items designed for one-time use for prepared foods, including containers for eating in, takeout food or leftovers.

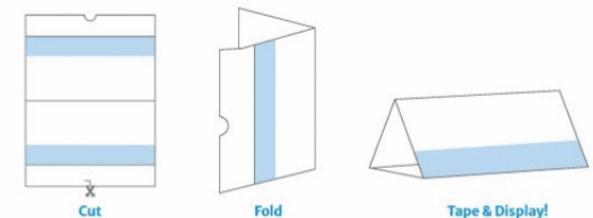


Polystyrene foam, plastic utensils and straws litter the environment, harm wildlife and do not decompose or biodegrade.



The City of
SAN DIEGO

858-694-7000 | www.sandiego.gov/pf-ban | sdrecyclingworks@sandiego.gov



Adopted California Laws

- SB 54 - restricts the distribution of polystyrene foam in the state starting on January 1, 2025, if the recycling rate for polystyrene foam in California does not exceed 25% at that time
- AB 1884 and 1276 - restrict the distribution of straws, single-use utensils and condiment packets by food facilities (complements City's ordinance) unless requested



Laws regarding reusables

- CA Retail Food Code Section 114075 regarding refilling beverages.
- AB 619 Health and Safety Code amended Sections 114121 and 114353 of the regarding handling of consumer-owned containers.



ESD Web Page Resources

- www.sandiego.gov/pf-ban
- Access all information, including:
 - Official ordinance language
 - Information on alternatives to polystyrene foam
 - Business resources (poster and table tent) & more
 - Recording of webinar

The screenshot shows the 'Environmental Services' website. The main heading is 'San Diego Single Use Plastic Reduction Ordinance'. Below it, a paragraph states: 'The City of San Diego's [Single Use Plastic Reduction Ordinance](#) goes into effect April 1, 2023. In summary:

- **Most polystyrene foam** containers are prohibited from distribution and sale. This includes food service ware such as bowls, plates, trays, cups, lids, and other similar items, as well as egg cartons and meat trays.
- **Single use plastic (and bio-plastic) straws and utensils** may only be provided upon the request of the customer.
- The following may not be distributed if made from polystyrene foam unless encased within another material:
 - Coolers, ice chests, or similar containers.

To the right of the text are two images. The top image, labeled 'NO' on a red background, shows a white polystyrene foam cup, a white foam tray, and a white foam bowl. The bottom image, labeled 'YES' on a green background, shows a brown paper cup, a brown paper plate, a brown paper bowl, a brown paper tray, and a brown paper container.

On the right side of the page, there is a section titled 'Recycling Programs' with a list of links: [Recycling Programs Home](#), [Recycling Ordinance](#), [New Organic Waste Recycling Program](#), [Backyard Composting](#), [Bring Your Own Bag](#), [Business Recycling](#), [Construction & Demolition \(C&D\) Recycling](#), [Commercial Food Waste Recycling](#), [Environmentally Preferable Purchasing Program \(EP3\)](#), [Military Recycling](#), [Miramar Greenery](#), [Recycling Events](#), [Recycling Centers](#), [Residential Recycling](#), [School Recycling](#), [Single Use Plastic Reduction Ordinance](#), and [Videos](#).

ESD Web Page Resources (continued)

NOTE: Waivers are available for feasibility-based hardships, financial hardships and contractor requirements. There is an automatic waiver through March 31, 2024 for entities with gross income less than \$500,000 on most recent federal income tax filing. To apply for a waiver, please email sdrecyclingworks@sandiego.gov.

Resources

- [Single Use Plastic Reduction Ordinance business flyer - English](#)
- [Single Use Plastic Reduction Ordinance business flyer - Spanish](#)
- [Single Use Plastic Reduction Ordinance business flyer - Tagalog](#)
- [Single Use Plastic Reduction Ordinance business flyer - Vietnamese](#)
- [Single Use Plastic Reduction Ordinance poster](#)
- [Single Use Plastic Reduction Ordinance table tent](#)
 - [Table tent instructions](#)
- [Single Use Plastic Reduction Ordinance presentation slides](#)
 - [March 7, 2023 Webinar Recording - English](#)

Why is this important?

Polystyrene foam products are typically used one time before being discarded, and due to their light weight can easily become litter. Polystyrene foam litter breaks down into small pieces which do not biodegrade and often end up in streets, canyons, waterways, storm drains, and eventually the ocean, where it harms wildlife that mistakenly ingests it.

Plastic straws are a significant contributor to marine pollution and are among the most common forms of litter collected on California beaches. They are not accepted in local recycling programs.

The Single Use Plastic Reduction Ordinance will help San Diego reach its [Zero Waste](#) goals and help maintain clean and beautiful beaches and public spaces. The Ordinance will also meet the objectives of the City's Climate

Contact/Questions

858-694-7000 or
sdrecyclingworks@sandiego.gov

Receive Email Updates about the Polystyrene and Single Use Plastics Ordinance

* indicates required

First Name

Last Name

Company/Organization

Email Address *

Phone Number

Subscribe

Sign up for newsletter to receive updates about the ordinance, announcements and material distribution.



Thank You!

NAME

Recycling Specialist II

NAME@san Diego.gov

General email:

sdrecyclingworks@san Diego.gov

Website:

www.san Diego.gov/pf-ban