



**OFFICE OF COUNCILMEMBER CHRISTOPHER WARD
THIRD COUNCIL DISTRICT**

M E M O R A N D U M

DATE: May 31, 2018

TO: Council President Myrtle Cole, Chair, Rules Committee

FROM: Councilmember Christopher Ward, Third Council District

SUBJECT: Expanded Polystyrene (EPS) Ban

Background

The goals of the City of San Diego's Climate Action Plan are both ambitious and achievable. Our reduction targets span multiple sectors and ultimately lead San Diego to a greener, more sustainable future. One keystone goal is zero waste by the year 2040. Among the many mechanisms to achieve this milestone is to eliminate the waste products that have the greatest environmental consequences. Expanded polystyrene (EPS), commonly referred to as Styrofoam, is a serious threat to our natural environment and to human health. Restricting the use and sale of EPS in the City of San Diego is an action that should be explored by the City Council.

The negative impacts of EPS are permanent, threatening the health of San Diegans, wildlife, and industries critical to our region. EPS does not biodegrade, rather it photodegrades—breaking down into smaller pieces which are easily mistaken for food by marine wildlife. EPS is also one of the most abundant forms of marine and terrestrial litter found along roadways and beaches—further increasing the risks associated with this product. In 2017 alone, the Surfrider Foundation's San Diego Chapter collected 12,575 pieces of EPS from our beaches. EPS is manufactured using the monomer styrene, a known animal carcinogen and, per Proposition 65, a human carcinogen in the State of California. There are 116 jurisdictions in the State of California, including San Francisco, San Jose, Imperial Beach, and Encinitas, that have banned the distribution and sale of EPS. Given the reasons enumerated above, San Diego needs to join this effort.

Policy Goal

The proposed measure would restrict the sale and distribution of expanded polystyrene (EPS) products for the use of food service ware, fish and meat trays, egg cartons, coolers, and beach toys in the City of San Diego. Under this ordinance, prepared food, such as that distributed through take-out menu items, may not be distributed, or available for purchase, in or on products that contain EPS. The intent of this policy is to provide consumers safe alternatives to EPS that will not cause harm to human health or our waterways, beaches, and oceans. As to not create a financial burden for businesses currently utilizing these products, the Environmental Services Department shall provide a list of acceptable and affordable

alternatives, as well as develop a process to phase implementation of this ordinance to limit impact on small businesses.

The proposed policy will also extend to the retail sale of food ware that contains EPS, including plates, cups, and utensils. These products, along with coolers containing EPS, are frequently used at picnics in our parks and beaches and due to proximity, disposal may result in the food ware reaching our waterways.

In 2017 as a member of the City Council's Environment Committee, I supported the adoption of an expanded polystyrene recycling program. I believe that this was the appropriate initial step in taking EPS out of the waste stream and our landfills. The recycling of EPS material has proven to be costly and ineffective with the soiled food ware being diverted to landfills outside of our region. Unlike the viable product alternatives, EPS is not compostable or degradable.

Recommendation

Docket for consideration restrictions on EPS products that will contribute to the City's zero waste goals as outlined in the Climate Action Plan.

Attached is a draft of the Expanded Polystyrene Ban Ordinance I propose. I respectfully request that this issue be docketed for an upcoming Rules Committee discussion and forwarded to the Environment Committee and eventually full City Council for consideration. Additionally, I look forward to working with the Mayor and the appropriate City Departments and seek guidance from the City Attorney in bringing forth amendments to the appropriate sections of the San Diego Municipal Code for implementation of an EPS ban.

I look forward to working with you on this endeavor.

cc:

Honorable Mayor Kevin Faulconer
Honorable City Attorney Mara Elliott
Andrea Tevlin, Independent Budget Analyst
Mario Sierra, Director, Environmental Services Department
Liz Maland, City Clerk
Marisa Berumen, Rules Committee Consultant
Jessica Lawrence, Office of the Mayor