



# City of Palo Alto

## City Council Staff Report

(ID # 5980)

---

**Report Type: Action Items**

**Meeting Date: 11/9/2015**

**Council Priority: Environmental Sustainability**

**Summary Title: Plastic Foam Ordinance Expansion**

**Title: Proposed Expansion of Palo Alto's Plastic Foam Ordinance (Ordinance 5039)**

**From: City Manager**

**Lead Department: Public Works**

### **Recommendation**

Staff recommends that Council adopt the proposed revisions to the City of Palo Alto's Ordinance 5039 "Plastic Foam and Non-recyclable Food Service Containers" to prohibit the retail sale or distribution of plastic foam products (Attachment A).

### **Executive Summary**

Expanded plastic foam (e.g., expanded polystyrene or Styrofoam™) is generally used to make cups, bowls, plates, trays, clamshell containers, ice chests, shipping boxes and packing materials. Expanded plastic foam foodware and packaging is found in local creeks and throughout Palo Alto's watershed. In May 2009, the City Council adopted an ordinance prohibiting the use or distribution of plastic foam at food service establishments (effective September 1, 2010) and an internal policy to prohibit staff from purchasing plastic foam foodware or distributing it at special events (Attachment B). However, plastic foam is still one of the most prevalent forms of litter and also contributes approximately 114 tons of garbage to the City's waste stream each year. Staff proposes expanding the existing ordinance to prohibit retail sale or distribution of plastic foam foodware such as plates and cups, packaging materials such as foam peanuts and blocks, and the sale of eggs in plastic foam containers. The proposed ordinance revisions are congruent with current policy and Council direction to eliminate waste that cannot be recycled or composted to meet the City's 2021 Zero Waste goal, and the Municipal Regional

Stormwater permit requirements to achieve no adverse impact from litter by 2022.

## **Background**

In 2009, the Council approved the addition of a new chapter 5.30 (“Expanded Polystyrene and Non-Recyclable Food Service Containers”) to Title 5 (“Health and Sanitation”) of the Palo Alto Municipal Code (CMR: 201:09). The ordinance prohibited the use of expanded polystyrene and non-recyclable plastic, as defined by the ordinance, at food service establishments. Restaurant compliance exceeds 90%. The ordinance adoption is one of many actions that have been implemented by Public Works to reduce trash loading in Palo Alto’s watershed and to meet Municipal Regional Stormwater Permit Provision C.10. This provision requires a reduction in trash loads from municipal separate storm sewer systems to no adverse impact by June 30, 2022.

## **Discussion**

### Where Plastic Foam Litter is Found

Although implementation of the existing ordinance was a good first step in reducing plastic foam litter, the material continues to be an environmental hazard to wildlife, water quality and human health and an eyesore. Its prevalence is also a hindrance to regulatory compliance with the Municipal Regional Stormwater Permit because of the difficulty in both preventing its release and removing it from the environment. Staff finds this pollutant across Palo Alto watersheds:

- **Plastic foam litter is found in local creeks** - More than 415 plastic foam pieces were recovered during the May 2015 National River Cleanup Day event in Matadero and Adobe Creeks. A combined 945 pieces were recovered from the same two creeks during the September 2015 Coastal Cleanup Day. These pieces are notoriously problematic to collect as they continuously break into smaller pieces with age and can float or blow away. Volunteers who attend creek cleanup events are often unable to retrieve all the small pieces of plastic foam material. These plastic pieces can be mistaken for food by wildlife, impair water quality of chemicals that leach from plastic, and contribute to broader concerns of plastic pollution loading in San Francisco Bay and beyond. While only one annual creek cleanup is required per the City’s permit, the City has historically conducted two.

- **Plastic foam is also consistently one of the top three forms of litter found in creek litter booms** (floating trash capture devices). Booms are installed during the dry weather season in the downstream reaches of both Adobe and Matadero Creek that are designated as hotspots by the City's stormwater permit. Staff routinely find plastic foam the most difficult pollutant to remove from booms during routine maintenance;
- **Plastic foam litter is found on streets**—six percent of the litter by volume found in Bay Area stormwater trash capture devices (stormdrain inserts) is plastic foam foodware (Cascadia Consulting Group and EOA, Inc. on behalf of the Bay Area Stormwater Management Agencies Association, 2012);
- **Plastic foam litter is found in San Francisco Bay**— In January 2015, the San Francisco Estuary Institute counted between 14,000 and 2,000,000 plastic particles per square kilometer (an area roughly equivalent to 250 football fields);
- **Plastic foam litter contributes to oceanic plastic pollution**— 80% of ocean pollution comes from land and most of it is plastic. (*Jose Derrick, The pollution of the marine environment by plastic debris: a review, Marine Pollution Bulletin, 2002*).

#### Where Plastic Foam is Sold or Distributed in Palo Alto

Based on July 2015 staff observations, plastic foam coolers and/or foodware were found available for sale at six pharmacies, two grocery stores, two mail service stores and one hardware store. Separately, plastic foam is currently distributed (not directly sold) as egg cartons, meat and fish trays, packing material and complimentary food or beverage containers.

#### Plastic Foam Recycling is Problematic and Does Not Adequately Reduce Litter

Despite numerous attempts by the City since the 1980's, a reliable, affordable recycling market for small quantities of plastic foam is still not available. According to recycling haulers, when small amounts of plastic foam are collected by recycling trucks, the plastic foam routinely breaks apart and cannot be captured at the material recovery facility. Loads of lightweight plastic foam are expensive to haul relative to the weight of other wastes, easily rejected due to

low tolerance for contamination (even light rainwater is unacceptable) and may even be rejected if there is not enough total volume of the material at the facility to be recycled.

While members of the public have raised the idea of leasing bailing equipment to find better markets for the material, experience at the Sunnyvale Materials and Recovery Transfer (SMaRT) Station has shown that the equipment is expensive to own and maintain, is prone to malfunctions and takes up space needed for other operations. GreenWaste Recovery, the facility where Palo Alto's curbside recyclables are processed, does operate an expanded polystyrene densifier, but only for large amounts of high-quality commercial polystyrene. This service is provided at a cost to the business but would not work with regular curbside business and residential recycling collection due to the material handling issues referenced above. If residents are willing, Green Citizen in Mountain View will accept and recycle expanded polystyrene for a fee of \$5 per 30-gallon bag.

Ultimately, recycling does not solve the associated litter problems with this material. The best way to prevent creek litter is to reduce the volume of plastic foam that enters the community.

#### Summary of Proposed Ordinance Changes

To further reduce plastic foam litter, staff proposes expanding the current ordinance to prohibit:

1. The retail sale, use or distribution of plastic foam ice chests, foodware and packing materials. Retailers would include grocery stores, pharmacies, mailing services, hardware stores and any other retailer or business that may sell or distribute plastic foam products identified in the ordinance.
2. The distribution of plastic foam egg cartons used for the sale of eggs;
3. The use of plastic foam for complimentary beverages or food items at any business.

More than 90 cities and counties throughout California have adopted ordinances restricting expanded polystyrene in retail and/or restaurant distributions. Several cities and counties, including Mountain View, Los Altos, Sunnyvale, and the City

and County of Santa Cruz have adopted similar retail sales and distribution requirements to those being proposed in this expanded ordinance.

#### Retail Plastic Foam Packaging Reuse

Residents have suggested dropping off foam packing materials for reuse at mail centers. Although staff strongly supports the reuse of materials to reduce waste, plastic foam packing materials can be released to the environment during transport. In addition, it would be difficult for staff to determine if plastic foam products that are getting reused were truly sourced from residents who have brought the material to the vendor, or if the store had purchased the material.

#### External Sources of Plastic Foam Packaging Materials

Shipments containing plastic foam packaging coming into Palo Alto are excluded from the proposed ordinance revisions. However, a retailer in Palo Alto will be restricted from using additional plastic foam to protect the product during resale.

#### Public Input

Staff held two public meetings to receive input on proposed ordinance changes. The first meeting was held on June 11, 2015 for Palo Alto businesses and other community stakeholders. Letters were sent directly to all businesses and invitations were distributed to the Chamber of Commerce, Downtown Business Association and California Avenue Business Association. Two ads ran in the Palo Alto Weekly inviting the community to attend. No members of the community attended the meeting, but three residents emailed the ordinance expansion project manager support for the ordinance (Attachment C–Public Comments Supporting Palo Alto’s Plastic Ordinance Expansion). In addition, a second meeting was held for plastic industry representatives on June 19, 2015. No plastic industry representatives attended.

Additionally, staff personally contacted managers or owners from those most likely to be impacted by the proposed ordinance changes including hardware stores, pharmacies, grocery stores and mailing services. Store representatives, including those from Safeway, Mollie Stones, Walgreens, Hassett Ace Hardware, Kinkos FedEx Office, and The UPS Store responded and indicated that the expanded ordinance would not result in any undue hardship on their business. Staff field inspections and conversations with store representatives have determined several stores including Country Sun, Sigona’s Farmers Market,

Whole Foods and Peninsula Hardware are already in compliance with the proposed ordinance.

### **Timeline**

Staff proposes that the ordinance effective date commence on March 1, 2016.

### **Resource Impact**

There will be no long-term resource impact to staff. In addition to complaint-based enforcement, periodic compliance checks would be performed at retailers identified in this report where sales of plastic foam are most likely to occur. Compliance checks at food service establishments that are already prohibited from using plastic foam are included in the City's Restaurant Inspection Program.

### **Policy Implications**

The proposed ordinance revisions are consistent with the City's Single-use Plastic Reduction Policy, Clean Bay Plan and Climate Action Plan. The proposed ordinance would also support Municipal Regional Stormwater Permit requirements to reduce litter to no adverse impact by 2022 and to meet the City's zero waste goal by 2021.

### **Environmental Review**

In April 2009, the City Council adopted a Negative Declaration in connection with the 2009 amendments to the polystyrene ordinance. Staff has prepared an Addendum to the prior Negative Declaration to reflect the latest ordinance updates.

#### **Attachments:**

- Attachment A Proposed Revisions to Ordinance 5039 Plastic Foam (PDF)
- Attachment B Single use plastic policy\_CM 2015 (PDF)
- Attachment C Support Letters for Plastic Foam Ordinance Expansion (PDF)

Ordinance No. \_\_\_\_\_

Ordinance of the Council of the City of Palo Alto Amending Chapter 5.30 (“Expanded Polystyrene and Non-Recyclable Food Service Containers”) to Title 5 (“Health and Sanitation”) of the Palo Alto Municipal Code

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and purpose. The Council finds and declares as follows:

(a) The City of Palo Alto is charged with eliminating litter which passes through the storm drain system to no adverse impact by 2022 as part of the Municipal Regional Stormwater Permit.

(b) The City is charged with achieving Zero Waste by 2021 and Plastic Foam is not reliably recyclable.

(c) Palo Alto’s watersheds reside at the edge of the San Francisco Bay which is part of the Pacific flyway and which protects habitat for two endangered species—the California clapper rail and saltmarsh harvest mouse.

(d) The City of Palo Alto desires to protect the natural environment, the health of its citizens, and the economy. This includes exercising environmental stewardship by reducing the amount of Plastic Foam litter released into the City’s watershed and beyond.

(e) On February 11, 2009, the San Francisco Bay Regional Water Quality Control Board identified two Palo Alto creeks, San Francisquito Creek and Matadero Creek, as having water quality that is impaired by trash as defined by the Clean Water Act. The staff report recommending that the creeks be listed identifies polystyrene, a predominant source of Plastic Foam, as being one of the types of trash responsible for the impairment.

(f) Plastic foam litter was the largest component by count of litter found in Adobe and Matadero Creeks during the 2014 National River and Coastal Clean-up Day events.

(g) Plastic foam litter constitutes six percent of the litter collected in storm drains in four Bay Area counties and 149 storm drain inlets based on a study performed by the Bay Area Stormwater Management Agencies Association.

(h) Plastic foam litter presents unique management issues because it is lightweight, floats, resists biodegradation, and easily breaks into smaller pieces. Because it is not easily contained, it is often conveyed through storm drains to local creeks, the San Francisco Bay and the Pacific Ocean. These small pieces, similar in size to plankton, are ingested by marine wildlife, leading to reduced appetite and nutrient absorption and possible death by starvation. According to a United Nations Environment Global Program of Action study, at least 162 marine species including most seabirds are reported to have eaten plastics and other litter.

NOT YET APPROVED

(i) Recycling Plastic Foam is problematic and not cost-effective. Ongoing logistical and quality control challenges related to the minimal recycling market for Plastic Foam makes maintaining a recycling program for peanuts and blocks financial and operationally infeasible. All Plastic Foam materials must now be disposed of in a landfill.

(j) The retail sale or distribution of Plastic Foam undermines the goals of the City of Palo Alto's ordinance prohibiting the distribution of Plastic Foam foodware at Food Service Establishments and City-sponsored events.

(k) Both of the major chemicals used to produce Plastic Foam, benzene (a known human carcinogen) and styrene (a possible carcinogen and neurotoxin), are suspected by the EPA and FDA to leach from polystyrene food containers, posing a threat to the environment and human health.

(l) Plastic Foam used at Food Service Establishments is a one-time use product that degrades extremely slowly in nature.

(m) There are many suitable reusable, compostable or recyclable alternatives to Plastic Foam foodware, ice chests and packaging materials.

(n) The City of Palo Alto provides an organics collection and composting program to residents and Food Service Establishments which can accept paper and compostable foodware for municipal composting.

(o) Non-recyclable materials pose a challenge to any environmentally and fiscally responsible solid waste management program. Regulation of Plastic Foam is necessary to encourage a recyclable waste stream and to reduce the disposal of solid waste and the economic and environmental costs of waste management.

(p) It is the intent of the Council to reduce the negative impacts of Plastic Foam and encourage the use of recyclable or compostable alternatives through the implementation of this Ordinance.

SECTION 2. Chapter 5.30 (Expanded Polystyrene and Non-Recyclable Food Service Containers) of the Palo Alto Municipal Code is hereby amended to read as follows:

**Chapter 5.30**

**EXPANDED POLYSTYRENE PLASTIC FOAM AND NON-RECYCLABLE FOOD SERVICE CONTAINERS AND PACKAGING ITEMS**

**Sections:**

- 5.30.010 Definitions
- 5.30.020 Prohibitions on the Use of ~~Expanded Polystyrene~~Plastic Foam and Non-Recyclable Plastic
- 5.30.030 Exemptions

- 5.30.040 Operative Dates
- 5.30.050 Severability
- 5.30.060 Enforcement and Penalties
- 5.30.070 Construction ~~and Preemption~~

**5.30.010 Definitions.**

(a) "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics and any amendments or successor standards thereto.

~~(a)~~(b) "City facilitiesFacilities" refers to any building, structure or vehicle owned or operated by the City of Palo Alto, its agents, departments and franchises;

~~(b)~~(c) "Disposable food service containerFood Service Container" means single-use disposable product used by food vendorsFood Service Establishments for serving or transporting prepared and ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, lids, trays and hinged or lidded containers. This does not include single-use disposable straws, utensils, or hot cup lids;

~~(c) "Expanded Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, marked with recycling symbol #6, processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene), sometimes incorrectly called Styrofoam<sup>®</sup>, a Dow Chemical Company trademarked form of polystyrene foam insulation. In food service, expanded polystyrene is generally used to make cups, bowls, plates, and trays.~~

~~(c)~~(d) "Food vendorService Establishment" means any establishment, located or providing food within the City of Palo Alto, which provides prepared and ready-to-consume food or beverages, for public consumption including but not limited to any store,Retail Service Establishment, eating and drinking service (as defined in Title 18), takeout service (as defined in Title 18), supermarket, delicatessen, restaurant, retail-food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or other-outdoor vendor, or caterer. which provides Prepared Food;

~~(d)~~(e) "Non-Recyclable Plastic" means all plastics that do not meet the definition of "Recyclable Plastic";

(f) "Plastic Foam" shall mean blown expanded and extruded plastic foams made from polystyrene or other resins which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam resins are generally used to

make disposable cups, bowls, plates, trays, egg cartons, clamshell containers, ice chests, shipping boxes and packing materials.

(g) "Plastic Foam Products" shall mean disposable Plastic Foam ice chests, cups, bowls, plates, clamshells, shipping boxes containers, egg cartons, packaging peanuts, packing blocks or other packaging materials that are not wholly encapsulated or encased by a more durable material. Additional Plastic Foam Products may be added by administrative regulation promulgated by the Director of Public Works or his/her designee;

(e)(h) "Prepared ~~food~~Food" means any food or beverage prepared for consumption using any cooking, packaging, or food preparation technique, including but not limited to cooking, chopping, slicing, mixing, freezing, squeezing, or brewing, and which requires no further preparation to be consumed. Prepared food includes uncooked fruits or vegetables ~~and any~~, "take-out" food, or food prepared to be consumed off the ~~food vendor's~~Food Service Establishment premises. Prepared ~~food~~Food does not include any uncooked meat, fish, or poultry, ~~or eggs;~~

(f)(i) "Recyclable Plastic" means ~~all plastics that can be recycled, salvaged, composted, processed, or marketed by any means other than land filling or burning, whether as fuel or otherwise, so that they are returned to use by society.~~ Recyclable ~~plastics~~Plastics" include any plastic which can be ~~feasibly recycled~~accepted for recycling or composting by the City's municipal recycling program ~~and presently is limited to those plastics with the following recycling symbols: #1 polyethylene terephthalate (PET or PETE), #2 high density polyethylene (HDPE), #3 polyvinyl chloride (PVC), #4 low density polyethylene (LDPE), #5 polypropylene (PP), #6 polystyrene, except for the expanded version of polystyrene, and #7 other plastics, including compostable plastics such as polylactic acid (PLA).~~ For purposes of this Chapter, Recyclable Plastic does not include any expanded polystyrenePlastic Foam labeled with recycling symbol #6, or any other Plastic Foam made with other plastic resins;

(g)(i) "Retail Service Establishment" shall have the same meaning as Retail Service as defined in Title 18 of this Code.

**5.30.020 Prohibition on the Use of PolystyrenePlastic Foam Products and Non-Recyclable Plastic.**

(a) Except as provided by section 5.30.030 ~~food vendors, Food Service Establishments~~ are prohibited from providing prepared food in ~~disposable food service containers~~Disposable Food Service Containers made from ~~expanded polystyrene or non-recyclable plastic.~~Plastic Foam or other Non-Recyclable Plastic;

(b) Except as provided by section 5.30.030, Retail Service Establishments are prohibited from selling, leasing or otherwise providing Plastic Foam Products;

~~(b)(c)~~ Except as provided by section 5.30.030, all City facilities, ~~City managed concessions, and vendors at~~ City sponsored events, ~~and or~~ City ~~permitted events~~ owned facilities are prohibited from using ~~disposable food service containers made from expanded polystyrene~~ Disposable Food Service Containers, packaging or non-recyclable plastic. other products made from Plastic Foam or Non-Recyclable Plastic;

~~(c)(d)~~ Nothing in this Ordinance shall be interpreted to restrict the use or sale of any form of fiber or paper disposable food service container, or the use of any form of biodegradable or plastic food service container meeting ASTM Standards or other products authorized by Administrative Regulation.

### 5.30.030 Exemptions

(a) The following exemptions shall apply:

~~(a)~~ Foods prepared or packaged outside the City of Palo Alto are exempt from the provisions of this Chapter. Purveyors of food prepared or packaged outside the City of Palo Alto are encouraged to follow the provisions of this Chapter.

~~(b) Coolers and ice chests that are intended for reuse are exempt from the provisions of this Chapter.~~

~~(c)~~ The ~~director~~ Director of Public Works, or his/her designee, may exempt a ~~food~~ Food Service Establishment, Retail Service Establishment or City facility/vendor from the requirements of this Ordinance for a period of up to one year, ~~upon showing by the food vendor~~ if the applicant for such exemption can demonstrate that the conditions of this Ordinance would cause an undue hardship. An "undue hardship" includes, but is not limited to ~~situations unique to the food vendor~~ applicant where there are no reasonable alternatives to ~~expanded polystyrene~~ Plastic Foam Products or ~~non~~ Non-recyclable ~~plastic disposable food service containers~~ Plastic Disposable Food Service Containers and compliance with this Ordinance would cause significant economic hardship to that ~~food vendor~~ applicant, or cause ~~the food vendor~~ them to be deprived of a legally protected right.

~~(d)~~ ~~A food~~ A Food Service Establishment, Retail Service Establishment or City facility/vendor seeking an exemption application shall include all information necessary for the City to make its decision, including but not limited to documentation showing the factual support for the claimed exemption. The Director may require the applicant to provide additional information to permit the Director to determine facts regarding the exemption application.

(eiv) Emergency Supplies and Service Procurement. City facilities, ~~food vendors~~Food Service Establishments, Retail Service Establishments, City ~~franchises~~, contractors and vendors doing business with the City shall be exempt from the provisions of this chapter, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety.

**5.30.040 Operative Dates.**

All ~~food vendors~~Food Service Establishment, Retail Service Establishments and City facilities ~~and vendors~~ must comply with the requirements of this Ordinance by ~~April 22, 2010~~March 1, 2016.

**5.35.050 Severability.**

If any provision or clause of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this chapter, and clauses of this chapter are declared to be severable.

**5.35.060 Enforcement and Penalties**

(a) The Director of Public Works or his/her designee shall have primary responsibility for enforcement of this chapter. The Director of Public Works or his or her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, entering the premises of any Food Provider to verify compliance.

~~(a)~~(b) Anyone violating or failing to comply with any of the requirements of this Chapter shall be guilty of an infraction as set forth in Chapter 1.08 of the Palo Alto Municipal Code.

~~(b) Each and every sale or other transfer of disposable food service containers made from expanded polystyrene or non-recyclable plastic shall constitute a separate violation of this Ordinance.~~

(c) The remedies and penalties provided in this Section are cumulative and not exclusive.

**5.35.070 Construction and Preemption**

~~This Chapter and any of its provisions shall be null and void upon the adoption of any state or federal law or regulation imposing the same, or essentially the same limits on the use of prohibited products as set forth in the Chapter.~~ This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-city or interstate commerce. It shall be construed in accordance with that intent.

NOT YET APPROVED

SECTION 3. On April 27, 2009 the City Council adopted a Negative Declaration with respect to the City's earlier prohibition against food establishments' use of extended polystyrene products. The Council hereby finds that this ordinance's extension to other foam products and further applicability to retail service establishments would not result in any additional impacts not already analyzed under the earlier Negative Declaration. The City has prepared an addendum to the Negative Declaration to clarify the extended scope.

SECTION 4. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_  
Senior Assistant City Attorney

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Public Works

**TO: HONORABLE CITY COUNCIL**

**FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS**

**DATE: APRIL 27, 2009 CMR:215:09**

**REPORT TYPE: INFORMATION**

**SUBJECT: Plastics Policy for City of Palo Alto Operations and Events**

This is an informational report and no Council action is required.

**BACKGROUND**

Single-use plastic products have increased dramatically in recent years and approximately 60% of the litter found in Santa Clara County Creeks is plastic. Plastic debris is accumulating in the Pacific Ocean impacting marine organisms as this debris is conveyed out to sea. To address this problem, the City has taken action to restrict plastic bags and is considering action to restrict expanded polystyrene, another type of plastic.

**DISCUSSION**

To insure that City operations and events are controlling single-use plastic products consistent with the restrictions being imposed in the business community, staff have drafted the attached Policy. Following review by City Departments and approval by the City Manager, it will be placed in the Policy and Procedures Manual and staff will implement it. The Policy states that, "It shall be the Policy of the City of Palo Alto at City facilities, City-managed concessions, and City sponsored events that:

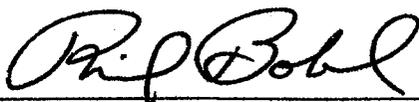
1. Single-use plastic bags shall not be distributed, effective on September 18, 2009.
2. Single-use plastic water containers shall not be distributed or sold after September 18, 2009.
3. Polystyrene food containers shall not be distributed or sold after April 22, 2010.

The Policy shall not apply to Emergency Response actions.

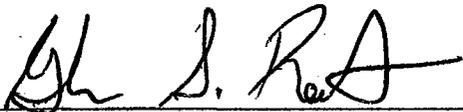
**ATTACHMENT**

Attachment A: City of Palo Alto Policy on Plastics

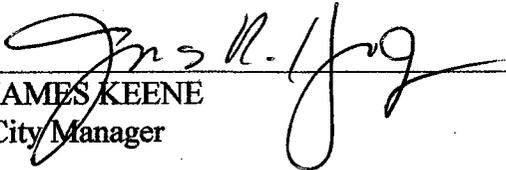
PREPARED BY:

  
\_\_\_\_\_  
PHIL BOBEL  
Manager Environmental Compliance Division

DEPARTMENT HEAD:

  
\_\_\_\_\_  
GLENN S. ROBERTS  
Director of Public Works

CITY MANAGER APPROVAL:

  
\_\_\_\_\_  
JAMES KEENE  
City Manager

**CITY OF PALO ALTO**  
**SINGLE-USE PLASTICS POLICY**

**POLICY STATEMENT**

The City recognizes that single-use plastic containers including plastic bags, expanded polystyrene food and beverage containers, and single-use plastic water bottles are important components of the plastic litter which is building up in ecosystems and harming wildlife. These plastic items degrade extremely slowly and removal from the natural environment, when possible at all, is very resource intensive and expensive. Further, single-use plastic containers consume energy in manufacturing which creates carbon dioxide and exacerbates global warming. The City has taken action to restrict the distribution of certain plastic bags and expanded polystyrene food and beverage containers. The purpose of this Policy is to take similar steps with respect to City Operations and demonstrate leadership by going beyond the requirements being imposed via City Ordinance. Single-use plastic water bottles are being included because of their explosive sales growth, frequent occurrence in ecosystem litter, and readily available alternatives.

The following items shall be phased out of City Operations by the dates indicated:

1. Single-use plastic bags shall not be purchased or distributed, effective on September 18, 2009.
2. Expanded polystyrene food and beverage containers shall not be purchased, distributed or sold after December 31, 2009.
3. Single-use plastic water containers shall not be purchased, distributed or sold after December 31, 2009.

**Applicability of this Policy**

This Policy shall apply to all City operations, with the exception of emergency response actions. City contractors, lessees and vendors shall also adhere to the Policy. All events sponsored or co-sponsored by the City shall also be in compliance with the Policy. This Policy will also be included in the Environmentally Preferable Purchasing Chapter of the Palo Alto Purchasing Manual and shall be implemented via contracts, purchase orders and agreements.

**PROCEDURES**

City staff, vendors, lessees and event managers shall all be responsible for adherence to the Policy and insuring that non-conforming plastic containers are not distributed at City facilities or City sponsored (or co-sponsored) events. Purchasing staff shall also assist in assuring that non-conforming plastic containers are not purchased.

Changes to this Policy must be coordinated through the City Managers Office.

Note: Questions and/or clarifications of this Policy should be directed to the Public Works Department.

Attachment C– Written Public Comments Supporting  
Palo Alto’s Plastic Foam Ordinance Expansion

From: Weiss, Julie  
To: Weiss, Julie  
Cc:  
Subject: FW: Public Meeting Notice: Proposed Polystyrene Ordinance Expansion

Sent: Wed 7/29/2015 9:17

From: trish mulvey [<mailto:mulvey@ix.netcom.com>]  
Sent: Tuesday, July 28, 2015 1:00 PM  
To: Weiss, Julie  
Subject: RE: Palo Alto's Proposed Plastic Foam Ordinance

Thanks for Palo Alto’s continued leadership in acting to reduce plastic foam products. Bans and restrictions are effective in reducing the amount of plastic foam waste that turns up as unsightly trash and litter along roadways and in the community as well as becomes harmful pollution in creeks, the Bay, and the ocean. I strongly support this ordinance for its attention to the specific products that are still found in cleanup effects. Trish Mulvey, Cofounder, CLEAN South Bay

On Jun 3, 2015, at 10:11 AM, Weiss, Julie wrote:

The City of Palo Alto is holding a public stakeholder meeting to discuss the proposed expansion of Palo Alto’s existing ordinance 5.30 (“Expanded Polystyrene and Non-Recyclable Food Service Containers) Title 5 (“Health and Sanitation”) of the Palo Alto Municipal Code. The current ordinance prohibits the use of expanded plastic foam (e.g., Styrofoam™) and other non-recyclable plastics for use as foodware at food service establishments. The proposed revisions would prohibit retail sales of expanded plastic foam such as cups, bowls, plates, trays, clamshell containers, ice chests, shipping boxes and packing materials. See attached letter sent to Palo Alto businesses for additional information.

**The public meeting to discuss the proposed ordinance changes will be held:**  
Thursday, June 11, 2015 from 10-11 am  
Cubberley Community Center, Room H-1 (see attached map)  
4000 Middlefield Road  
Palo Alto, CA

Public comments may also be submitted by email to [julie.weiss@cityofpaloalto.org](mailto:julie.weiss@cityofpaloalto.org), or by calling the project manager at 650.329.2117.

Julie Weiss, Environmental Specialist  
City of Palo Alto, Public Works–Watershed Protection  
650.329.2117  
[julie.weiss@cityofpaloalto.org](mailto:julie.weiss@cityofpaloalto.org)  
[Cleanbay.org](http://Cleanbay.org)

You replied to this message on 7/29/2015 9:43 AM.

From: William Rosenberg <[billrosenberg@earthlink.net](mailto:billrosenberg@earthlink.net)>  
To: Weiss, Julie  
Cc: Home  
Subject: Re: Expanded Polystyrene Foam

Sent: Wed 7/29/2015 9:36

Julie,

I fully support your proposed ordinance further restricting the use of styrofoam, other polystyrene, and other non-recyclable plastics. As I have said before, “Styrofoam is evil!” It easily becomes non-collectable litter and flows downhill to contaminate our creeks, the SF Bay, and, eventually, the oceans.

The proposed restrictions on the use of expanded polystyrene food service products as well as the sale of single-use ice chests are an important step in eliminating these items from our waste stream. Since there are already viable, commercially available, alternatives which are much friendlier to our environment, this should be enacted (and enforced) immediately.

I have also given some thought to what Palo Alto can do about foam packaging. I can’t see that Palo Alto could, realistically, ban the sale or use of foam packaging as easily as it could ban the use of foam clamshells and coffee cups for takeout service. I think that the packaging issue has to be a California State issue, with Palo Alto and other communities enacting “Sense of the Community” resolutions urging State action. Perhaps at the Bay Area regional level, counties could enact point-of-sale disposal fees (like the fees on CRT televisions or tires) on products using foam packaging. This would provide a cost disadvantage to foam packaged items which could be set to offset the increased cost to manufacturers of alternative packaging. Although I think that the State level is the more effective level for this disposal fee, a combined effort by the City of Palo Alto along with Santa Clara and San Mateo counties would be a great start.

William Rosenberg  
820 Bruce Drive  
Palo Alto, CA 94303-3643  
[billrosenberg@earthlink.net](mailto:billrosenberg@earthlink.net)

From: Cedric Compost de La Beaujardiere <cedric.compost@gmail.com>  
To: Weiss, Julie  
Cc:  
Subject: Re: Public Meeting Notice: Proposed Polystyrene Ordinance Expansion

Sent: Thu 6/4/2015 5:14 PM

Hi Mrs. Julie Weiss and City Staff,

I 100% support expanding the ban on the sale of expanded plastic foam products. these products often break down into little pieces and end up in our land and waterways, where wildlife eat them thinking they are food, and die from poisoning or malnutrition with bellies full of plastic instead of nourishment. These products don't decompose, they just accumulate in our biosphere and are virtually impossible to clean up.

Keep up the good work!

Cedric de La Beaujardiere  
741 Josina Ave  
Palo Alto CA 94306

On Wed, Jun 3, 2015 at 10:11 AM, Weiss, Julie <[Julie.Weiss@cityofpaloalto.org](mailto:Julie.Weiss@cityofpaloalto.org)> wrote:

The City of Palo Alto is holding a public stakeholder meeting to discuss the proposed expansion of Palo Alto's existing ordinance 5.30 ("Expanded Polystyrene and Non-Recyclable Food Service Containers) Title 5 ("Health and Sanitation") of the Palo Alto Municipal Code. The current ordinance prohibits the use of expanded plastic foam (e.g., Styrofoam™) and other non-recyclable plastics for use as foodware at food service establishments. The proposed revisions would prohibit retail sales of expanded plastic foam such as cups, bowls, plates, trays, clamshell containers, ice chests, shipping boxes and packing materials. See attached letter sent to Palo Alto businesses for additional information.