



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Ordinance Amending Glendale Municipal Code, 1995, Title 8 Chapter 8.42 To Prohibit the Use, Distribution and Sale of Polystyrene Products on a Citywide Basis.

1. Ordinance for Introduction

### COUNCIL ACTION

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**Item Type:** Ordinance

**Approved for** October 31, 2023 **calendar**

### EXECUTIVE SUMMARY

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The proposed ordinance would introduce a ban on the use, distribution, and sale of polystyrene products starting in November 2023. Specifically, the proposed ordinance will prohibit the use, distribution and sale of any polystyrene foodware in conjunction with the sale of prepared food, raw food or beverages, as well as the sale and distribution of polystyrene coolers and polystyrene packaging materials at any location within the City.

Additionally, no person may sell, distribute, or use within the City any meat trays or fish trays, produce trays, and egg cartons made, in whole or in part, from polystyrene. Finally, restrictions on the use of single-use plastic beverage bottles would go into effect for City of Glendale operations.

## **COUNCIL PRIORITIES**

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Operational Efficiency.

## **RECOMMENDATION**

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That the City Council introduce an ordinance to prohibit the use, distribution and sale of certain polystyrene products.

## **BACKGROUND**

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Since 2021, the City Council adopted two ordinances tackling the use and distribution of single-use plastics and disposable foodware accessories.

### *Single Use Plastics:*

Ordinance No. 5964, adopted in April 2021, prohibits using single-use plastic products to serve prepared foods at certain City-managed, City-run concessions or city-sponsored events located in City-owned or controlled facilities. That Ordinance requires all disposable food service ware used by food or beverage providers who serve prepared food and beverages at a City event to be marine-biodegradable. The City, its contractors, agents, and employees acting in their official capacity are not permitted to purchase, acquire, or distribute for public use non-marine-biodegradable food service ware for use at City events.

### *Disposal Foodware Accessories:*

Ordinance No. 5973, adopted in September 2021, regulates the distribution of disposable foodware accessories. This Ordinance prohibits food and beverage facilities City-wide from providing self-serve disposable foodware accessory dispensers or providing or offering disposable foodware accessories to a dine-in or a take-out customer, except upon customer request. However, a food and beverage facility may ask a drive-through or delivery customer if the customer wants any disposable foodware accessories. In addition, prepared food facilities that use online food ordering platforms are required to provide options on the online ordering platform that enable customers to choose which disposable foodware accessories to include with each online order via an opt-in option.

Adopting the Single Use Plastics and Disposal Foodware ordinances has reduced plastic use and raised awareness of the impact of plastic waste on our environment. Locally, single-use plastics are a significant source of litter and contamination in recycling programs as confusion surrounds which forms of plastic are acceptable to discard in recycling bins. Littered plastic products cause substantial environmental harm and burden governments with considerable cleanup costs.

### *Polystyrene and Other Plastic Products:*

On March 22, 2022, City Council approved a motion directing staff to prepare a report on the validity of prohibiting polystyrene, foodware, the use of single-use plastic straws, stirrers and utensils, a disposable cup charge, and reusable foodware for dining on premises.

On November 29, 2022, the City Council directed staff to prepare an ordinance regulating plastic waste, specifically, polystyrene products, single-use plastic straws, stirrers, and utensils. Council also directed that the proposed Ordinance should establish disposable foodware standards, disposable cup charges, reusable foodware dining on-premises standards, and the prohibition of single-use beverage bottles.

On January 10, 2023, staff presented the Plastic Waste Reduction Regulations Ordinance which encompassed Council's previous direction. However, Council directed staff to provide more public outreach and education before adopting these new regulations and directed staff to undertake an extensive education and outreach campaign on plastic waste regulations focused on:

- i. Prohibition on use and or distribution of single-use plastic straws, stirrers, and utensils
- ii. Disposable foodware recycling standards
- iii. Disposable cup charge
- iv. Reusable foodware for dining on premises

Council further directed staff to prepare an ordinance prohibiting the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packing materials, polystyrene egg cartons, polystyrene produce trays, and polystyrene meat and fish trays.

## **ANALYSIS**

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Staff recommends adopting the proposed polystyrene prohibitions for several important reasons, primary among these is that polystyrene products are notoriously difficult to recycle. According to the UCLA Luskin Center for Innovation 2020, *"PS/EPS waste is especially difficult to transport and sort due to its weight. Its low density also makes it difficult for facilities to recover a mass of PS/EPS that is sufficient for recycling in an economically viable manner. PS recycling is thus generally inefficient and not practiced in Los Angeles County, and most PS/EPS goods — including food service ware — are either landfilled or littered."*

Second, many food and beverage providers have voluntarily sought alternatives to polystyrene products. And third, there are plastic alternatives to polystyrene products that are cost-comparable. Finally, studies by the National Center for Biotechnology

Information, Endocrine Society indicate human health effects associated with polystyrene and plastics, namely from ingestion of microplastics. Plastics contain endocrine-disrupting chemicals linked to increased risk of many chronic diseases.

In preparation for drafting the proposed ordinance Staff researched cities (Culver City, Monrovia, Long Beach, Hermosa Beach, Malibu, Santa Monica) that possess similar polystyrene product prohibitions already in place.

Staff reviewed the scope and scale polystyrene regulations contained in Culver City, Monrovia, Long Beach, Hermosa Beach, Malibu, Santa Monica polystyrene ordinances to determine the which requirements should be included in Glendale's proposed ordinance (See Exhibit 1 City of Hermosa Beach and Exhibit 2 City of Long Beach). Based on this review, Staff recommends that the proposed Polystyrene Prohibitions consist of the following requirements:

### **1. Polystyrene Use, Distribution, and Sale Prohibition**

The proposed ordinance prohibits the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packing materials, polystyrene egg cartons, polystyrene produce trays, and polystyrene meat and fish trays. The polystyrene prohibition would go into effect 30 days after the adoption of an ordinance and would impact all food and beverage providers and vendors using, distributing, or selling polystyrene products. The proposed ordinance specifies the following (note: capitalized terms used below are defined in the proposed ordinance):

- a) No Food or Beverage Provider shall use, distribute, or sell any Polystyrene Foodware in conjunction with the sale of Prepared Food, Raw Food, or Beverages at any location within the City.
- b) No Person shall sell or distribute any Polystyrene Foodware or Polystyrene Coolers at any location within the City.
- c) No Vendor in the City shall sell, distribute, or use Polystyrene Packing Material, including, but not limited to, foam peanuts, packing peanuts, foam popcorn, or packing noodles within the City.
- d) No Person may sell, distribute, or use within the City any Meat and/or Fish Trays, Produce Trays, and/or Egg Cartons made, in whole or in part, from Polystyrene.
- e) Food and Beverage Providers that distribute Prepared Food, Raw Food, or Beverages in Disposable Foodware or Disposable Foodware Accessories shall:
  - (1) Not disseminate Disposables that exhibit Resin Code "No. 6" or "PS".

- f) City employees, contractors, agents, and officers acting in their official capacity shall not purchase, use, or distribute Polystyrene Foodware.

## 2. Costs and Alternative Options

To comply with the regulations, food and beverage providers, packaging stores, and grocery stores would have a six (6) month grace period to use up their supply of regulated polystyrene products purchased within the year preceding the ordinance effective date.

The good news is that alternative products already exist and are in many cases less expensive than polystyrene. Such alternatives include:

- a) Reusable Products
- b) Plastic Products (to the extent not already prohibited):
  - i. Polyethylene terephthalate PET
  - ii. High Density Polyethylene HDPE
  - iii. Low Density Polyethylene LDPE
  - iv. Polypropylene PP
- c) Fiber/Paper/Chipboard Products
- d) Aluminum Products

Item	Polystyrene Cost Per Item <sup>1</sup>	Case 1000 Cost	Polystyrene Alternative	Case 1000 Cost
Utensils - wrap set heavyweight	\$0.08	\$80.00	\$0.05	\$52.00
Straws - Jumbo straight			\$0.01	\$5.00
Stirrers				\$2.00
Plates 9"	\$0.04	\$44.00	\$0.04 (paper)	\$34.37
Plates 9"	\$0.04	\$44.00	\$0.06 (Compostable Sugarcane / Bagasse)	\$68.40
Plates 9"	\$0.04	\$44.00	\$0.08 (White Mineral-Filled Polypropylene)	\$82.18
Bowls 12oz	\$0.06	\$60.00	\$0.04	\$40.00
Platter 9"	\$0.16	\$161.00	\$0.14	\$141.00
Hinged container 8' x 8'	\$0.12	\$115.00	\$0.18	\$180.00
Cups 16oz	\$0.06	\$64.00	\$0.05	\$53.00

Produce Meat Tray 8 1/4" x 5 3/4" x 3/4"	\$0.04	\$40.00	\$0.06	\$60.00
Egg cartons	\$0.38	\$380.00	\$0.35	\$350.00
Packaging peanuts 20 cu ft bag	\$35.00 each		\$29.00 each	
Coolers	10.99 each		\$9.08	each

<sup>1</sup> All quotes are current and obtained via <https://www.webstaurantstore.com>. Except egg cartons.

### 3. Single Use Plastic Bottles – Prohibition Applicable to City Operations Only

Staff recommends that the proposed ordinance include the implementation of a policy within the City's Administrative Policy Manual that prohibits City employees, representatives, contractors, agents, or officials from using, selling, distributing, or otherwise providing any single-use Plastic Beverage Bottle or Aseptic Paper Packaging while acting on behalf of the City or while acting pursuant to a City contract or agreement. However, City employees, representatives, contractors, agencies, or officials *would not* be prohibited from bringing their own food or beverages for personal consumption while acting on behalf of the City or while acting according to the City contract or agreement.

### 4. Exemptions

The following exemptions are included in the proposed ordinance:

A. The following are exempt from the provisions of this Chapter:

- i. Coolers and ice chests, other than those defined as Polystyrene Coolers in this Chapter.
- ii. Food brought by individuals for personal consumption.
- iii. During a locally declared emergency, the City, emergency response agencies operating within the City, users of City facilities, and Food Providers and Beverage Providers shall be exempt from the provisions of this Chapter.
- iv. The Food Provider or Beverage Provider provides or distributes a plastic beverage straw upon request to individuals with disabilities as needed to comply with the Americans with Disabilities Act.

B. Food or Beverage Providers that are obligated to purchase or have purchased polystyrene food or beverage service ware under a contract entered within the year before the operative date of this ordinance are exempt from the provisions of this Chapter for six (6) months following its operative date.

C. The City Manager or designee may exempt any person from the regulations as follows:

1. A request for an exemption shall be filed in writing with the City Manager or designee. It shall include documentation of the reason for the claimed exemption and any other information necessary for the department to decide. The department may require the Applicant to provide additional information to make the required determinations.
2. The City Manager or designee may grant an exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an undue hardship. Applications for exemption renewals will also be considered. Undue hardship shall be construed to include but not be limited to situations where:
  - a. There are no reasonable alternatives to polystyrene food service ware for reasons unique to the Applicant; or
  - b. Compliance with the requirements of this Chapter would deprive a person of a legally protected right.

## **5. Enforcement.**

If the City Council adopts these regulations, they will be enforced through the administrative citation process set forth in GMC Chapter 1.24. The Glendale enforcement process involves issuance of warning notices for a first and second violation. After that, violators would be subject to an administrative fine of \$25 per day for a third violation and each subsequent violation, up to a maximum of \$300 per calendar year. The proposed fines will be outlined in the fee resolution submitted when the Ordinance comes back for adoption.

An essential aspect of these regulations is the impact on food or beverage facility operators and others subject to the ordinance. The cost to food or beverage facility operators is expected to be varied depending on substitute materials required for compliance with the ordinance.

## **STAKEHOLDERS/OUTREACH**

Staff developed an information campaign around the tagline “***Consider the Environment, be Polystyrene Aware***”. The objective of the campaign is to specifically addresses the proposed prohibition on polystyrene products and to clearly state the products that will be banned under any such ordinance.

Staff mailed an information packet to 750 food and beverage providers in Glendale. Each packet included:

1. A QR code linking to Armenian and Spanish translation of the information provided.

2. Information card on the proposed polystyrene prohibition.
3. A letter detailing the proposed polystyrene prohibition.
4. A QR code link to a survey for recipients of the mailing to complete.
5. Website address for the Office of Sustainability with information on the proposed prohibition.
6. In addition, staff hosted an online webinar reviewing the proposed polystyrene prohibition.
7. Emailed business associations directing their members to information on the proposed polystyrene prohibition on:
  - a. 7/24/23
  - b. 9/18/23
8. Conducted an In-session briefing at Galleria Food Court.

### Survey Results:

#### Residents Responses:

- 66% want City to reduce single use plastic foodware.
- 86% Glendale should prohibit single use plastic foodware.
- 91% Glendale should prohibit Styrofoam products

#### Business Responses:

- 57% agree that important to reduce polystyrene, SUP in landfills and as litter.
- 78% concerned with costs of alternatives to plastics.
- 60% businesses support polystyrene ban.
- 71% businesses already trying to reduce SUP.

## **FISCAL IMPACT**

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The fiscal impact associated with the implementation of this ordinance will depend upon the desired levels and duration of enforcement.

An essential aspect of these regulations is the impact on food or beverage facility operators and others subject to the ordinance. The cost to food or beverage facility operators is expected to be varied depending on substitute materials required for compliance with the ordinance.

## **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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Staff conducted environmental review and determined the ordinance does not require review under the California Environmental Quality Act ("CEQA") and that this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) because the adoption



of this ordinance is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may be a significant effect of the environment, therefore the activity is not subject to the requirements of CEQA. Further the action is exempt pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), because these regulations involve the imposition of regulations for the protection of the environment through the reduction of plastic wastes, which include polystyrene, polystyrene packaging materials, single use plastics, from entering the waste stream, and from entering the environment.

### **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

### **ALTERNATIVES**

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Alternative 1: That the City Council introduce an Ordinance Prohibiting Polystyrene Products.

Alternative 2: Do not introduce the Ordinance for Prohibiting Polystyrene Products.

Alternative 3: City Council may consider any other alternative not proposed by staff.

### **ADMINISTRATIVE ACTION**

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**Prepared by:**

David Jones, Sustainability Officer

**Approved by:**

Roubik R. Golanian, P.E., City Manager

### **EXHIBITS/ATTACHMENTS**

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1. City of Hermosa Beach Ordinance 19-1398 Polystyrene Ban
2. City of Long Beach Ordinance 20-0009 Polystyrene Ban