DATE: June 8, 2012

TO: Board of Supervisors

FROM: Kevin O’Day, Director
Department of Agriculture and Environmental Management

SUBJECT: Referral from May 22, 2012 Board of Supervisors Meeting. Item #9 relating to restrictions on expanded polystyrene food and beverage containers

At the May 22, 2012 Board of Supervisors meeting, the Department of Agriculture and Environmental Management requested approval for an ordinance restricting the use and distribution of expanded polystyrene food and beverage containers in unincorporated Santa Clara County. In the course of the discussion, Supervisor Kniss requested “a list of other jurisdictions that have passed a ban on expanded polystyrene food and beverage containers”, for report on date uncertain.

Attached is the list requested by Supervisor Kniss. To date, more than 60 jurisdictions in California have established ordinances that restrict the use of expanded polystyrene containers.

Please do not hesitate to contact us if we can be of further assistance to you.
Polystyrene: Local Ordinances

Alameda (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be compostable or recyclable.

Albany (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be compostable or recyclable.

Aliso Viejo (2005)
Government facility expanded polystyrene ban. Ordinance #2004-060

Berkeley (adopted 1988)
Expanded polystyrene ban, requirement that 50% of takeout food packaging be recyclable or compostable. Title 11.58 and 11.60 of Municipal Code.

Burlingame (passed May 2011)
The City of Burlingame passed an ordinance modeled after San Mateo County's ordinance on May 16, 2011. It will go into effect in 2012.

Calabasas (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Capitola (2012)
Prohibit the sale of expanded polystyrene products (expansion of 2009 requirement that all disposable takeout food packaging be compostable)

Carmel (1989)
Expanded polystyrene ban, requirement that 50% of takeout food packaging be recyclable, compostable or reusable.

Carpenteria (effective September 1, 2009)
Ban on non-recyclable plastic food takeout containers, including expanded polystyrene. Chapter 8.5 of Municipal Code.

Dana Point (adopted February 21, 2012)
Ban on expanded polystyrene food containers. Effective six months after adoption date.

Del Ray Oaks (effective July 1, 2010)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. More information available on page 35 of Agenda Packet.

Emeryville (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Fairfax (1993)
Expanded polystyrene ban for all restaurants and food retail vendors. Title 8.16 of Municipal Code.

Foster City (effective April 1, 2012)
Polystyrene ban for restaurants and food vendors, adopted October 17, 2011.

Fremont (effective January 1, 2011)
Expanded polystyrene ban for food vendors, requirement that all takeout food packaging be recyclable or compostable.
Half Moon Bay (effective August 1, 2011)
Half Moon Bay passed an ordinance, modeled after San Mateo County’s eps ban, on May 17, 2011.

Hayward (effective July 2011)
Expanded polystyrene ban for restaurant vendors, requirement that takeout food packaging be recyclable or compostable.

Hercules (2008)
Expanded polystyrene ban. Sec.5-3109, Title 5, Chapter 3 of Municipal Code.

Huntington Beach (2005)
Government facility expanded polystyrene ban.

Laguna Beach (2008)
Polystyrene ban, requirement that all plastic takeout food packaging be recyclable. Title 7.05 of Municipal Code.

Laguna Hills (2008)
Government facility expanded polystyrene ban.

Government facility expanded polystyrene ban.

Livermore (2010)
Food vendors are required to use recyclable or compostable takeout food packaging.

Los Angeles City (2008)

Los Angeles County (2008)
Government facility expanded polystyrene ban.

Malibu (2005)

Marin County (effective January 1, 2010)
Expanded polystyrene ban.

Marina (2011)
Expanded polystyrene food container ban. Requires the use of recyclable or compostable takeout food packaging unless alternatives are unavailable.

Millbrae (2008)
Polystyrene ban, requirement that all plastic takeout food packaging be recyclable or compostable.

Mill Valley (2009)
Food vendors and city facilities are prohibited from using expanded polystyrene foam food containers.

Monterey City (2009)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Monterey County (effective November 2010)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 10, Chapter 10.42 of Municipal Code.

Newport Beach (2008)
Expanded polystyrene ban. Title 6, Section 5 of Municipal Code.

Oakland (2007)
Expanded polystyrene ban, requirement that all takeout food packaging be compostable. Businesses that generate a large portion of litter must pay a litter fee. Title 8.07 of Municipal Code.

**Orange County** (2005/6)
Government facility expanded polystyrene ban, including cities of Aliso Viejo, Huntington Beach, Laguna Hills, Laguna Woods, San Clemente, San Juan Capistrano and the Santa Margarita Water District.

**Pacific Grove** (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 11, Chapter 11.99 of Municipal Code.

**Pacifica** (effective January 1, 2010)
Expanded polystyrene ban.

**Palo Alto** (effective April 22, 2010)
Expanded polystyrene ban.

**Pittsburg** (1993)
Polystyrene ban. Title 8.06.210 of Municipal Code.

**Portola Valley** (effective October 25, 2012)
Polystyrene ban (San Mateo County ordinance).

**Redwood City** (effective January 1, 2013)
Polystyrene ban (San Mateo County ordinance).

**Richmond** (effective August 5, 2010)
Polystyrene ban, requirement that all plastic takeout food packaging be compostable.

**Riverbank** (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be compostable or recyclable.

**Salinas** (passed August 16, 2011)
Expanded polystyrene ban on takeout containers

**San Bruno** (effective April 1, 2010)
Polystyrene ban, requirement that all plastic takeout food packaging be recyclable or compostable.

**San Clemente** (effective July 1, 2011)

**San Francisco** (2007)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

**San Jose** (effective May 1, 2010)
Government facility expanded polystyrene ban for special events.

**San Juan Capistrano** (2004)
Government facility expanded polystyrene ban.

**San Leandro** (effective November 1, 2012)
Expanded polystyrene food container ban, adopted October 2011.

**San Mateo County** (2008 and 2011)
Government facility polystyrene ban passed in 2008. An expanded ban for the rest of unincorporated San Mateo County was passed in 2011, effective July 1, 2011.
Santa Cruz City (2008)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Santa Cruz County (2008 and 2012)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 5, Section 46 of Municipal Code. The ban was expanded to prohibit the sale of all expanded polystyrene products in stores on April 17, 2012.

Santa Monica (2007)
Polystyrene ban with requirement that all plastic takeout food packaging be recyclable. Visit their website for more information.

Sausalito (effective September 1, 2008)
Food vendors and city facilities and events are prohibited from using expanded polystyrene foam food containers.

Scotts Valley (2009)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable.

Seaside (effective August 4, 2010)
Polystyrene ban with requirement that all plastic takeout food packaging be recyclable or compostable.

Sonoma County (adopted 1989)
Government facility expanded polystyrene ban. Title 19, Section 19.6-1 of Municipal Code.

South San Francisco (2008)
Polystyrene ban, requirement that all plastic takeout food packaging be recyclable or compostable.

Ventura County (2004)
Government facility expanded polystyrene ban.

Watsonville (2009)
Expanded polystyrene ban, requirement that all takeout food packaging be recyclable or compostable. Title 6, Chapter 6 of Municipal Code.

West Hollywood (adopted 1990)
Polystyrene ban for restaurants and food vendors.