DRAFT REPORT

Expanded Polystyrene Product Policy

August 2017

Contents

Appendixes

Acronyms and Definitions

AB	Assembly Bill
EPS	Expanded Polystyrene
GHG	Greenhouse Gases
LACI	La Kretz Innovation Campus
MSW	Municipal Solid Waste
PS	Polystyrene
NYC	New York City
RFP	Request for Proposal
SB	Senate Bill
SLCP	Short-Lived Climate Pollutants
	These are powerful climate forcers that remain in the atmosphere for a much shorter period of time than longer-lived climate pollutants, such as carbon dioxide (CO_2). They include methane, fluorinated gases including hydrofluorocarbons (HFCs), and black carbon.
Expanded Polystyrene	This is the generic industry name for the white rigid material made by expanding polystyrene beads with steam and pressure to bond the beads together to form blocks or to shape molds. In this document, "EPS" refers only to "foam" products such as cups, plates, and clamshells. These are opaque and usually white, tan or black in color.
Roll-off	A large container used for trash, recyclables, construction debris, etc. The capacity is measured in cubic yards. A 20-cubic yard roll-off measures approximately 22' L x 7.5' W x 4.5' H.
SB 1363	SB 1383 (Lara, Chapter 395, Statutes of 2016) directed the Board to approve and begin implementing the plan by January 1, 2018, and set statewide 2030 emission reduction targets for methane, HFCs, and anthropogenic black carbon.
Styrofoam™	This is a trademarked name of the Dow Corporation that is often and incorrectly used as a generic term for products such as "foam" disposable coffee cups, coolers and foam packaging materials. This trademark covers a full range of extruded polystyrene building products such as wall insulation, floor insulation, and roof insulation systems, and products for the floral, craft and special events industries.

Executive Summary

Plastic litter is a global scourge. Its impacts range from visual blight in Los Angeles neighborhoods and parks to the especially devastating effects on the marine environment and species. Plastic litter does not break *down*; rather, it breaks *up* into smaller pieces that very effectively accumulate and transport toxins. Animals are poisoned, starved or suffocated by becoming entangled in and/or ingesting plastic debris that is mistaken for food. The recently-released *A Plastic Ocean* documents these effects of plastic litter, as well as the devastating consequences borne by the citizens of island nations where the world's plastic litter washes ashore.

From a materials management perspective, expanded polystyrene (EPS) has been problematic since municipal recycling programs were first rolled out. It is very light-weight and therefore will fly-away during collection and transport. Its volume is disproportionate to its weight and so it must be compacted prior to transport (nearly a half million small beverage cups are needed to fill a roll-off). Even the cleanest of EPS picks up dirt and debris at recycling facilities. In addition, EPS requires special processing equipment that is too expensive to justify because the financial return for this material is so low.

The City of Los Angeles (City) first considered the recyclability of EPS products over twenty years ago. An internal City ban on EPS food service products was adopted almost a decade ago. With a statewide plastic bag ban now in effect, but no equivalent for EPS products, dozens of California cities have implemented their own bans, which vary significantly in scope. This report discusses factors pertinent to phasing out and banning EPS in the City.

1 Introduction

Pertinent to this is a brief history of LA Sanitation's curbside program. In order to achieve specific diversion rates set by the City and Mayoral directives, the program was expanded episodically to accept additional materials: The non-automated curbside program that launched in 1990 accepted plastics #1 and #2 (PET and HDPE respectively), glass bottles, tin cans, and newspaper. In 1994, mixed-paper, junk mail, food packaging (cartons, aseptic packaging), and cardboard were added. The automated program was rolled out citywide in 1995. In 2004, plastics #3-#7 and scrap metals were added. Plastic bags were added in 2005, followed by EPS in 2007.

The recyclability of expanded polystyrene products (EPS) was first considered by the City of Los Angeles (City) in 1994. In the following decade, the City focused primarily on the environmental impacts of EPS litter, which degrades quality of life and inflicts severe damage on the marine environment. To avoid contributing to the EPS litter problem, in 2008 the City adopted motions banning the purchase and use of EPS food service products in City facilities and at City-sponsored events. In response to a motion, the Bureau of Sanitation (LA Sanitation) submitted to the Energy & Environment Committee (now the "Energy, Climate change, and Environmental Justice Committee") in the same year a detailed report that discussed litter, recycling barriers, EPS alternatives and their cost implications for associated retailers, statewide legislation and local ordinances, as well as policy options and market-based tools, for reducing or banning the use of plastic bags and EPS food service products on a community-wide basis (2008 Report-Appendix 1). Although almost a decade old, it is still a very useful reference document. The following more recent statistics substantiate the magnitude and cost of plastic litter:

> Researchers with the Rochester Institute of Technology estimate that 40,000 to 110,000 metric tons (2,205 pounds) of plastics enter the oceans along the U.S. coastline yearly; nearly 22 million pounds of plastic debris enter the Great Lakes on an annual basis. Heal the Bay, headquartered in Santa Monica, calls polystyrene waste "ubiquitous" and among the most common item found during its many beach and waters cleanups. More than 500,000 plastic items have been collected in the past 10 years, despite the many Los Angeles-area EPS bans that have been in place during that period. Earlier this year, during a public hearing on EPS, Heal the Bay told the Los Angeles County Board of Supervisor that nearly a billion dollars is spent each year cleaning up marine debris in California.

This report provides status updates on different elements of the City's internal EPS ban which represent a useful lesson on policy implementation. Also included, is a recommendation for a simple evaluation and ranking system that, if adopted, could transform the City's decision-making process vis-à-vis its curbside recycling program (and, by extension, the recycLA franchise program). The recommended evaluation and ranking system is intended to facilitate transparent, metric-driven decisions.

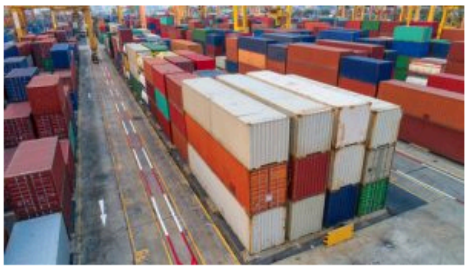
Several significant changes have taken place since the previous EPS report was issued in 2008; these inform the recommendations provided in this document:

> End Markets: The City's near whole reliance upon China (and other Asian countries to a lesser extent) as an end market for its blue bin materials is well established. However, the Chinese market for mixed plastics, which includes EPS, is more precarious, particularly when considered against the background of China's recent "National Sword" initiative. The Chinese mixed paper market is more stable in comparison to mixed plastics, but should not be considered "secure." This is relevant to the EPS discussion because paper beverage/food containers are one of just three "readily recyclable" EPS alternatives recommended by the Materials Recovery Facilities (MRFs) under contract to the City.

How National Sword is upending exports

Posted on May 24, 2017

by Colin Staub



China's three-month-old import action has stalled shipments of some recovered plastics from the U.S. and led to substantial import fee increases.

As the realities of the National Sword customs crackdown continue to set in, observers are examining the long-term effects it could have on U.S. materials recovery, particularly as China's government says it plans to further restrict scrap imports.

"Right now, I'm really, really concerned about the impact this is going to have on recycling in this country, because we've gotten so used to being able to move that material to export," said Patty Moore, a longtime recycling expert and president of Sustainable Materials Management of California.

Source: resource-recycling.com

Blue Bin Material Processing: The City converted from a source-separated to a commingled recycling program in 1995. About 70 percent of all blue bin material is paper, while plastics, metal and glass combined represent less than 10 percent. The dollar amount that the City is paid by its contracted MRFs, or that the City pays to the MRFs, is tied to the market value of paper fibers ("average market price of fibers"), which fluctuates but is now $101/ton. Market value for mixed plastics (#3-#7) is $40/ton as of this writing.

Why recycling business is feeling so discarded these days

Jeff Daniels | @jeffdanielsca

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CNBC

Mark Boster | Los Angeles Times | Getty Images

A City Of San Diego's Environmental Services Department truck empties recycling bins.

The recycling business stinks these days with the price of commodities, such as plastics, metal and paper, all in the dumps.

Sustainable City plan: In 2015, Mayor Eric Garcetti released the Sustainable City plan, (Sustainability Plan), the first of its kind for the City. Item 94 of the Sustainability Plan is relevant to this report: "Develop extended producer responsibility (EPR) guidelines to encourage retailers and manufacturers to recycle goods, take back materials, and/or reduce packaging."

The Sustainability Plan also reconfirms the City's commitment to achieving zero waste and commits to equity as a foundational principle. The practical limits to equity – particularly on a global scale – can be debated, but the fact that the City's blue bin materials are sold to non-domestic markets with less rigorous health and environmental regulations and oversight, cannot. Mixed plastics are a low-value material; much of the City's mixed plastic is sold – on a "second- or third-hand basis" – to Asian countries other than China where the material is reportedly processed under hazardous conditions that threaten both human health and the environment.

Municipal EPS Bans: The City's ban on single-use, disposable plastic bags can provide valuable lessons for this EPS discussion; the City can also benefit from the experience of the many California cities and counties that have already implemented an EPS ban of some type

California Environmental Quality Act (CEQA)-related activities pursuant to EPS bans are varied. One city conducted an informal environmental assessment and concluded that an Environmental Impact Report (EIR) was not required, but other cities issued EIRs. Several U.S. cities were sued by industry associations after implementing bans. New York City was sued by the Dart Container Corporation and Restaurant Action Alliance NYC because its initial EPS ban (Ordinance) stated that EPS was "not recyclable." However, the Dart Container Corporation, which manufactures EPS and other types of food containers, argued that it is.

Details about municipal EPS (and plastic bag) bans are summarized below and in Appendix 2.

2 Background

2.1 City's Curbside Program

2.2 City's Actions Pertaining to EPS

Non-Recyclable Plastics: In June 2006, the City Council (CF 06-1512) directed the City Administrative Officer (CAO) and the Bureau of Sanitation (LA Sanitation) to report on non-recyclable plastics, including polystyrene (PS), and disposal options, alternative products, policies adopted by other municipalities, and potential costs. Subsequent motions directed LA Sanitation to report on the feasibility of recycling and/or banning the use of EPS items in City departments and at events (CF 07-3155).

In 2008, LA Sanitation submitted a report, discussed above and included as Appendix 1, that recommended that the Mayor and City Council take action to ban EPS food products through a variety of internal measures. A November 2008 memo from LA Sanitation Director Enrique C. Zaldivar, addressed to all City departments and employees (Appendix 3), summarized all facets of the ban and requested compliance with them. Status updates for each are provided here:

1. Ban Expanded Polystyrene (EPS) food service products from City Facilities through the following measures:

   a) Adopt a Citywide policy requiring all City Departments to replace the purchase of EPS food service products with alternative products beginning on July 1, 2008.

   Status as of 2017:
   At this time, there is no effective mechanism for ascertaining the status of this on a City-wide basis. It is unknown how many Departments and divisions purchased EPS alternatives or educated employees about them. Departments likely did not assign employees to monitor EPS use. Without "activist" managers and/or employees, is doubtful that new employees were informed about this ban. EPS food service products have been observed in many facilities in recent months. These may be provided by employees for their own meals and/or office events (such as birthday parties). EPS to-go food containers purchased from food service establishments (FSEs) are also common in both blue recycling and black trash bins.

   b) Direct all City employees to use reusable, durable cups, plates, and other food service products wherever possible, including office events; and cease using any City funds to purchase EPS food service products for use in City facilities, leased City offices, or for any City sponsored events as of July 1, 2008.

   Status as of 2017 Regarding EPS at Office Events:
   Same as above.

   NEW: Status as of 2017 Regarding the Purchase of EPS products via City Contract:
   LA Sanitation investigated whether EPS food service products can be obtained through the City's Office Depot contract. This contract (C-59415, executed in 2012) encompasses fourteen product categories but does not include EPS products. However, many products outside the fourteen categories can be purchased with blanket Purchase Orders (BPOs) that can be issued by any City department and faxed directly to Office Depot. LA Sanitation tested this and was able to purchase EPS cups with a BPO. In response to LA Sanitation's inquiry, Office Depot advised that the EPS ban was not referenced in the City's office products bid documents or its executed contract, but as of July 2017, orders for EPS products will not be honored by this vendor.

c) Direct all City agencies to cease the purchase of EPS food service products for all City permitted events by July 1, 2009.

Status as of 2017 Regarding EPS at Civic Center Events sponsored by elected officials:
The General Services Department (GSD) has a "reservations/agreement" form for events that are sponsored by elected officials and held primarily in the Civic Center. Although catered events are allowed, the form does not reference the City's EPS ban or EPS alternatives.

This month, GSD advised LA Sanitation that after the City's EPS ban was adopted in 2008, the following informational text was included in emails sent from a GSD proxy email to those requesting event information:

"Special Note: As of July 1, 2008, Styrofoam® is no longer to be purchased with City funds or to be used in City facilities, per COUNCIL FILE NUMBERS: 06-1512, 07-3138, 07-3155, and 08-0166."

The above informational text was apparently discontinued (the exact date is not known; it is not found in emails sent from the GSD proxy address to LA Sanitation between 2015 and July 10, 2017). The special note was reinstated in August 2017.

Status as of 2017 Regarding EPS at Bureau of Street Services Permitted Events Street Services does not require information about FSEs, if any, and/or their food service products. Nineteen Farmers Markets are regularly held on City property which include City streets and sidewalks. Some may be held under the auspices of a City Council Motion.

Source: Los Angeles Times

Status as of 2017 Regarding EPS on City Property City Hall Farmers Market.

This market is held every Thursday on the plaza adjacent to City Hall South.

An LA Sanitation employee recalled purchasing prepared, hot food that was served in an EPS container several months ago. Another employee visited the Market in early August and observed more than one vendor using EPS containers. When contacted about this, the market coordinator said that any EPS containers were used only to display food and that all vendors must sign, and are in compliance with, the 2016 "Market Rules and Regulations" ban on EPS: "VII.15. Food Vendors are encouraged to use recyclable and/or compostable packaging and containers for processed and prepared foods. *Vendors are prohibited from using extruded polystyrene (Styrofoam) products.*" The same employee visited the Market the following week and observed that vendors previously using EPS containers had replaced them with non-EPS

alternatives, with the exception of Market Burgers. The employee purchased a side order of fries that was served in in a small black EPS container (about 5.5" x 5.5" x 3") and observed other customers being given the same.

Status as of 2017 Regarding EPS at Events: Events held at City-owned Parks:
Information about FSEs and/or food service products was not requested by the Department of Recreation and Parks (RAP) for a large event (Feeding the 5000) held at Pershing Square in May 2017. This report assumes this is standard practice.

d) Direct that applicable City Departments update all related City financial and procurement procedures and forms to reflect the ban on all purchases of EPS.

Status as of 2017 Regarding EPS and Financial and Procurement Procedures and Forms:
LA Sanitation assumed that petty cash could be used to purchase EPS food service products and therefore reviewed the 2013 petty cash procedures document issued by the City Controller and available online; this does not reference the City's EPS ban (Appendix 4). As noted above, the City's EPS ban was not referenced in the City's bid or contract for office products.

e) Direct all City agencies to review all lease and concession agreements for renegotiation to replace EPS food service products with alternative products and report back to Council by July 1, 2008 with a plan to phase the EPS ban into all agreements by 2010.

Status as of 2017 Regarding Lease and Concession Agreements:
Agreements for all 24 service establishments and retailers in the LA Mall are under the control of the Real Estate Division (RE) of the General Services Department (GSD). Twelve are food service establishments (FSEs), with 10 in the LA Mall and 1 each in City Hall East and (main) City Hall. Per RE, since 2000, all food service agreements have included this standard provision:

"4.5. No Polystyrene (EPS) Food Service Products. In its operations on the Premises, Tenant shall not sell, dispense or use any Expanded Polystyrene ("EPS") food service products."

Eight of the twelve agreements were executed prior to 2000 and therefore do not ban EPS (Appendix 5). Most FSE agreements have expired; new agreements were not executed in anticipation of the LA Mall being demolished, so those tenants have been carried on a "holdover" or month-to-month basis. In response to July 2017 inquiry from LA Sanitation, RE consulted with a City Attorney about the possibility of inserting the EPS ban provision into the eight agreements lacking that. RE was advised that it would need to examine each lease to determine whether and how the individual terms may be amended. All tenants belong to the LA Mall Association, which meets a few times/year and could be utilized for EPS outreach or other related efforts

Homeboy Industries in City Hall has an EPS ban in its agreement. In early August, an LA Sanitation employee confirmed that EPS food service ware is not used by that establishment. In mid-August, a second employee visited the remaining three FSEs. Qwench Juice Bar does not use EPS, but Pili Manila Grill and Trimana were observed using EPS containers in violation of their agreements. Please see photos in Appendix 5.

f) Proprietary City Departments to work with the LA Sanitation to implement the proposed ban in their operations beginning July 1, 2008.

Status as of 2017 Regarding Proprietary Departments: LA Sanitation will request EPS usage and ban updates from the proprietary departments in August, 2017.

2.2.1 2013 Memo on EPS Recycling

In 2013, LA Sanitation submitted to Councilmember Koretz a memo ("EPS Memo" - Appendix 6) on the recycling and marketing of clean EPS from the City's curbside program. In 2007, the City partnered with

Timbron, Inc. of Stockton, CA to help establish markets for EPS; Timbron purchased and recycled post-consumer EPS from the City's contracted Materials Recovery Facilities (MRFs). However, after experiencing operational problems associated with food-contaminated EPS, Timbron halted purchases. The EPS Memo concluded that only clean post-consumer EPS can be recycled and that other options should be pursued.

2.2.2 Council File 07-3155-S1, May 2017 (Appendix 7)

Update on City's Efforts to Institute a Phase out of EPS; EPS Use in Department of Aging's Senior Meal Program; EPS Ban in LA Mall; recycLA Franchise Adherence to City's EPS Policy, Per Council Motion 07-3155-s1, adopted in May 2017

Information about the EPS phase-out, and EPS use in the Senior Meal Program and recycLA Franchise is found here.

2.2.2.1 Status of EPS in Senior Meal Programs

In May 2017, LA Sanitation contacted the Department of Aging (Aging). That Department's senior meals program includes congregate (group) meals and the Meals on Wheels home delivery program. The former are served daily, Monday-Friday, at approximately 98 local sites, twenty-five (25) of which are RAP facilities; five of those participate in the City Facilities Recycling Program (CFRP), which collects the same materials as the curbside residential program (Appendix 8). Aging was unaware of the City's EPS ban and confirmed that EPS products were used in all meal programs. Meals also include milk and juice served in cartons. A meal service Request for Proposal (RFP) was in development at this time and LA Sanitation assisted by identifying EPS alternatives and providing draft food service ware specifications. A memo from Aging's General Manager, Laura Trejo confirms that the revised RFP meal service specifications prohibit use of EPS food service products (Appendix 8); paper products will be used instead.

2.2.2.2 Status Update of EPS in the RecycLA Program

The recycLA Request for Proposals (RFPs) and the service contracts that were executed with the selected Franchise Service Providers (FSPs) require the collection/recycling of the same materials as in the City's curbside residential program.

3 EPS Regulations

3.1 Ordinances and Policies

3.1.1 California Statewide Legislation

3.1.1.1 Extended Producer Responsibility (EPR)/Disposal Fees/Taxes

Advance disposal (recycling) fees are a concrete example of the "extended producer responsibility (EPR) strategy, which assigns to manufacturers some responsibility for the management of their products at the end of their useful life. These fees are often placed on items/materials that are difficult to handle, collect and/or process (recycle), that pose significant risks if improperly disposed, or that occupy significant amounts of landfill space. Examples include motor oil and consumer electronics.

Some manufacturers and industry associations have voluntarily established their own collection/take-back programs; others are collaborative efforts. For example, California Senate Bill (SB) 254, the Used Mattress Recovery and Recycling Act of 2014, established an industry-run mattress collection and recycling program. This bill was supported by manufacturers, recycling companies, environmental organizations and others. The Paint Care program is another example.

California Assembly Bill (AB) 2449: No Plastic Bag Tax. AB 2449 prohibited municipalities, on a statewide basis, from imposing a tax on plastic bags. With this option eliminated, many municipalities responded with bag *bans.* The bans varied, which caused logistical problems for retailers and manufacturers. Widespread support culminated in Proposition 67, a statewide bag ban that was approved by California voters, 52 percent to 48 percent, in November 2016.

EPS has followed – and is benefitting from – the plastic bag precedent. As with plastic bags, a statewide ban on EPS has been proposed and failed several times. Ten years ago, AB 904 (Feuer, 2007) proposed to phase out the use of food packaging that cannot be recycled or composted in communities where it is collected. This year, the similar Ocean Pollution Reduction Act of 2017 (SB 705) died in committee. It would have banned stores and restaurants from using PS containers for prepared food, effective in 2020, followed by a 2021 ban on containers that cannot be recycled locally or composted.

As with plastic bags, municipalities have adopted EPS bans; as with bag bans, these vary widely as to scope and what EPS alternatives are recommended, allowed, or prohibited.

EPS product manufacturers and affiliated industries have sued to halt EPS bans, but LA Sanitation has not identified any take-back program that have been implemented or proposed by those same entities.

Municipal Regulations

This section highlights EPS bans in several municipalities. Additional details are provided in Appendix 2.

Berkeley, CA

The use of EPS in restaurants was banned in 1990. Restaurants could request exemptions due to a lack of a suitable EPS alternative or economic hardship. The City of Berkeley also prohibits the internal purchase and use of EPS food service products. Containers made of materials other than EPS are allowed. Violation of the ordinance is an infraction to be enforced by the City Attorney.

Pasadena, CA

As of August 22, 2017, the use of ridged polystyrene (PS) and EPS containers by food vendors will be prohibited. EPS coolers will also be prohibited unless the EPS is encased in a more durable material. Food containers made of other materials are allowed. Enforcement is provided through restaurant food safety

inspections. First violations are addressed with written warnings; fines up to $1,127 are allowed for subsequent violations, with the possibility for criminal prosecution for egregious violation of the law. Exemptions are allowed if a suitable alternative does not exist or compliance would cause economic hardship.

> CEQA: Pasadena determined the ordinance was exempt under CEQA because the ordinance would protect natural resources and the environment.

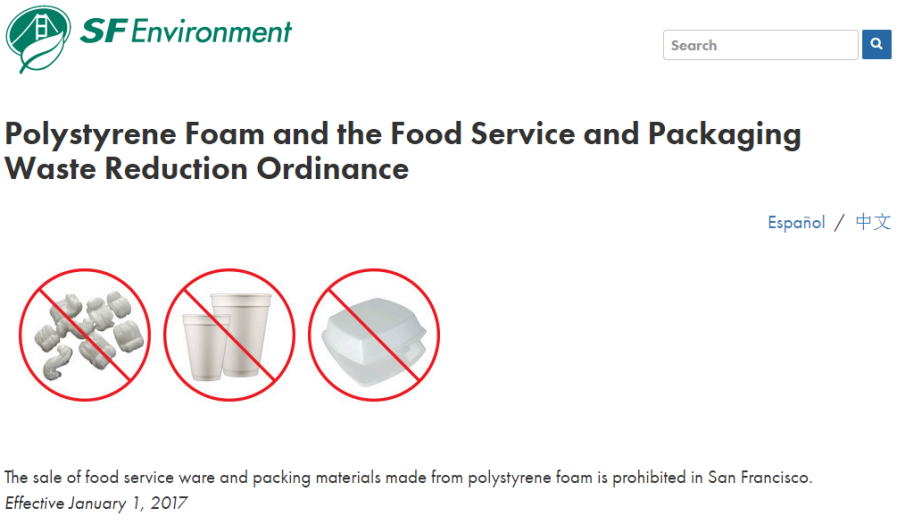
Santa Monica, CA

A ban on ridged and foam (EPS) polystyrene food service containers (clam-shells, cups and bowls) in city facilities and at City- sponsored and permitted events took effect on February 9, 2007. The same ban for food vendors went into effect on February 9, 2008. Alternatives made from materials such as coated or un-coated paper, aluminum or compostable materials are allowed. An exemption may be granted if no reasonable alternative exists or for demonstrated economic hardship.

> CEQA: Santa Monica did not issue an environmental impact report (EIR). A letter from the Polystyrene Packing Council City officials contended that state law was violated because there was no EIR, but the Council did not pursue legal action.

San Francisco, CA

San Francisco's 2007 ordinance banned the use of EPS food containers by food vendors. This was expanded into one of the most comprehensive ban on EPS bans. As of January 1, 2017, the sale or use of EPS food containers, and other specified EPS products (unless contained –encapsulated - in a more durable material) is prohibited in the city and county of San Francisco. EPS meat trays and egg cartons were prohibited as of July 1, 2017. The ordinance is enforced through fines ranging from $100 for the first violation up to $500 for subsequent violations. Exemptions may be granted if there is no suitable alternative or for economic hardship. Items made from materials that are accepted in San Francisco's curbside recycling program are permitted under the ordinance.



> CEQA: San Francisco determined that the ordinance was exempt under guidelines 15307 and 15308 of CEQA, relating to actions by regulatory agencies that protect natural resources or the environment. San Francisco did not file an environmental impact report pertaining to this ordinance.

San Jose, CA

San Jose instituted a ban on EPS food ware that began in 2014 for multi-state restaurants and expanded in 2015 to include all restaurants in the city. Containers made of materials other than EPS are allowed.

Food vendors may apply for an exemption if they have unique packaging needs or on hardship grounds. The ban is enforced by customer complaints to the city which can result in fines of up to $500.

> CEQA: During the development of this ordinance, San Jose conducted an initial study that found no negative environmental impacts and submitted a negative declaration under CEQA.

Oakland, CA

The EPS ban took effect in 2007. Food vendors are prohibited from using EPS food containers; containers made from paper, other plastics, aluminum and bio-plastics are allowed. There is no exemption from the ban. Vendors may use non-recyclable or non-compostable containers if they can show no alternative exists for the same or lower cost (compared to EPS). Violations can result in a warning for the first violation followed by fines of up to $500 for subsequent violations.

> CEQA: During the development of this ordinance, Oakland found that this ban was exempt from an EIR under CEQA.

New York, NY

New York City passed an ordinance in 2013 banning the use of EPS food service packaging, effective July 2015, on the grounds that it is not recyclable. The City was sued by the Dart Corporation and the Restaurant Action Alliance, which argued that EPS *is* recyclable. The New York Supreme court ruled for the plaintiffs because the City's (Sanitation Department) determination on EPS recyclability was not sufficiently specific. NYC Sanitation released a new, more explicit determination in May 2017. Sanitation Department Commissioner Kathryn Garcia stated: "The municipalities and programs that the Department researched tell a very clear story: Food-Service Foam is not capable of being recycled in an environmentally effective or an economically feasible manner." EPS food containers and packing products will be banned as of November 13, 2017.

Portland, OR

Portland, Oregon has had a ban on the use of EPS food containers since 1990. Food containers made out of other materials are allowed. Violations are subject to fines of $250 for the first violation, up to $500 for subsequent violations.

Shortly after the ban was adopted, a coalition of packaging manufacturers and restaurants (including McDonald's and Kentucky Fried Chicken) sued, arguing the ordinance violated Oregon state law calling for the recycling of solid waste; that EPS is recyclable; and switching to alternative packaging would led to more waste going into landfills. The plaintiffs lost and appealed; a state appeals court upheld the City's EPS ban.

As reported in the New York Times on November 2, 1990, "As recently as a week ago, the McDonald's Corporation was preparing to respond to public pressure for a cleaner environment by announcing that it would extend its limited plastics-recycling program to all of its 8,500 restaurants nationwide. But then the fast-food chain changed course, announcing yesterday that it would do away with its plastic foam "clamshell" hamburger box and switch to paper packaging. That abrupt decision came largely as a result of an unusual alliance forged in August with the Environmental Defense Fund, people involved in the discussions said."

Seattle, WA

As of 2009, food service providers were prohibited from serving prepared food in EPS food containers; as of July 2, 2010, non-recyclable or non-compostable food containers were banned. Containers that are made from recyclable or certified compostable materials are permitted under this ordinance. Food service providers must also provide collection receptacles and have collection services that can properly process the containers. Fine of up to $250 for each violation can be assessed.

Washington D.C.

Washington D.C. prohibits serving prepared food in containers made from EPS or non-recyclable or non-compostable materials. This ban does not apply to packaging for raw food (such as meat or fish), containers for home use, or items that are packaged outside Washington D.C. Enforcement is achieved through food establishment inspections and a system of warnings and fines.

3.1.2 Meals (and Containers) To-Go

For some perspective as to why to-go containers are so plentiful, consider that there are an estimated 200,000 "fast food" (or "quick service – QSR") restaurants in the U.S. and 50,000,000 Americans eat at one daily. According to the National Restaurant Association, there were almost 70,000 eating and drinking establishments in California in 2011, and about one-third of those are located in Los Angeles.

Although most national chains have switched to EPS alternatives, EPS food containers are still common in some FSEs (and as to-go and delivered meals) because they are inexpensive, light, retain heat and do not leak.

Americans toss an estimated 2.5 billion EPS cups every year. Worldwide consumption of disposable and single-use food/drink containers is estimated at more than 430,000,000,000 units per year, or about 140,000 each *second.*

Sales of to-go/disposable beverage and food containers made from a variety of materials are increasing. This is because of the very strong consumer demand for what the food industry classifies as "fresh prepared foods" (already-prepared salads, sandwiches, etc.). The demand is so strong these items are sold not only in grocery stores, but also distributed via non-traditional outlets such as bodegas and even pharmacies (the CVS pharmacy in the LA Mall carries these). These foods are deliberately packaged in clear containers (which may be rigid PS or PET #1 plastic) because consumers want to see the food. Per a 2015 Washington Post story, sales in this category total $25 billion annually.

Per a 2015 report (Waste and Opportunity 2015 – "WO Report") issued jointly by the National Resources Defense Council (NRDC) and As You Sow, an Oakland-based nonprofit, with an estimated packaging recycling rate of 51 percent, the United States lags behind many other developed countries. Less than 14 percent of plastic packaging —the fastest-growing form of packaging — is recycled. Recyclable postconsumer packaging with an estimated market value of $11.4 billion is wasted annually. For the QSR sector, the WO report found that the three most commonly used consumer packaging materials — paper (including coated paper), polypropylene (PP), and polyethylene terephthalate (PET) — are readily recyclable. That last statement largely conforms with observations and recommendations from the City's contracted MRFs, discussed later in this report.

FSEs and Container Recycling

Per the WO Report: "Materials recycling: With the exception of Starbucks, no large QSR brand has committed to front-of-house recycling for its packaging system-wide. One small British chain (Pret A Manger), with 60 sites in the United States, is the only QSR that offers recycling and composting at all of its U.S. locations." Per its website, Pret A Manger replaced plastic bags with paper bags, rolled out both front of house and back of house recycling in its U.K. locations and s new composting measures. Packaging is either made from sustainable sources, or from recycled material and is fully recyclable.

Employees are trained to only provide one napkin per item purchased, and to ask customers if they really want a plastic bag.

Per a 2012 LA Weekly article, fewer than 10 percent of the Starbucks in Los Angeles County are equipped with customer recycling bins for their cups. Per the Starbucks website, by the end of 2011, 18 percent of company-owned locations in the US and Canada had front-of-store recycling bins, a threefold increase from 2010.

Recycled Content in Beverage/Food Containers

Food and beverage containers may have recycled-content, whether pre- or post-consumer, but this is not well understood. While the federal Food and Drug Administration (FDA) has no specific guidelines, manufacturers of food-contact items submit recycling, processing, testing information, and the proposed conditions of use (will the food container come into contact with high heat, etc.) to the FDA. If approved, the FDA issues a "no-objection letter." Starbucks hot beverage cups, for example, contain recycled content.

Per the WO report: "…several QSRs have made good strides in using significant levels of recycled content for packaging materials (mostly paper based). McDonald's uses 33 percent postconsumer recycled content in paperboard sandwich boxes and Starbucks uses 10 percent in coffee cups. But we found little evidence of recycled-content plastic in QSR materials."

3.1.3 At the Local Level

Media: On April 12, 2017, a Los Angeles Time Editorial called for a ban on EPS food containers: "Plastic waste has gotten out of hand. Ban plastic foam take-out boxes."

Los Angeles County: On August 1, 2017, Los Angeles County announced that it will revisit its 2011 study on polystyrene food containers, which considered a ban. ``(Polystyrene) breaks down into little beads, gets into waterways and it does not biodegrade,'' Supervisor Sheila Kuehl said of single-use straws, plastic cups and clamshell-shaped molded take-out containers. A staff report is expected in four months.

The Antelope Valley Times

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L.A. County considers polystyrene ban in unincorporated areas

by City News Service • August 1, 2017 — 1 Comment

LOS ANGELES – The Los Angeles County Board of Supervisors voted Tuesday to study a potential ban on polystyrene food containers in unincorporated areas of Los Angeles County [including Quartz Hill, Littlerock and Lake Los Angeles], saying they are piling up in landfills and polluting beaches.

Supervisor Sheila Kuehl said it was time to revisit a 2011 feasibility study on the issue. *[View the study here.]*

"(Polystyrene) breaks down into little beads, gets into waterways and it does not biodegrade," Kuehl said of single-use straws, plastic cups and clamshell-shaped molded take-out containers that can be found stuffed in overflowing trash bins around the county.

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3.1.4 EPS Overview

MRFs on Recycling EPS: The City of Los Angeles contracts with four MRFs for the processing of curbside blue bin materials (which are delivered to the MRFs' facilities by LA Sanitation vehicles).

LA Sanitation sought their input on a wide range of issues pertaining to EPS containers, EPS alternatives, the food container industry, and blue bin recyclables. Because they provided very frank comments and assessments, they requested anonymity. A more detailed summary of their comments about blue bin materials and food service ware and alternatives can be found in Appendices 9 and 10, respectively.

- EPS food containers represent about 0.04 percent of the blue bin materials ("stream") delivered to one MRF, while another reported receiving none.
- The conclusion is that many EPS food containers are disposed as trash and some percentage are regrettably discarded as litter.
- EPS is a difficult material; even if delivered clean to the MRF, it absorbs dirt, oil, and grit on the processing line and becomes "dirty".
- EPS is a low-value material.
- The equipment required to efficiently process EPS is too expensive based on financial returns.
- The market for EPS (it is usually included in mixed plastics loads) is not stable and China is signaling it may close. This bodes poorly for other mixed plastics including rigid PET.
- Only clean streams of EPS packaging from commercial sources could be considered recyclable, but the same market limitations apply.
- All types of food packaging have pros and cons.
- An EPS ban will result in a shift to other food packaging, most of which will also be single-use and disposable. Only some of these have stable markets.

MRFs on EPS Food Container Manufacturers

- While several trade associations and manufacturers promote the idea that almost any material is recyclable, the MRFs dismissed these claims.
- "Recyclability" cannot be defined by technological capabilities alone; operational and financial realities must also be considered.
- EPS manufacturers do not actively support recycling of their products.
- The industry must create markets for recycled feedstock (used EPS).
- Manufacturers should give all MRFs optical readers and sorters and buy back the sorted, separated material.
- Industry can adapt: Manufacturers of thin film plastic bags had to adapt in response to bag bans; many now make thicker bags selling for $1+/bag.

3.1.5 MRFs on EPS Alternatives

Paper, aluminum, and other metals are the only blue bin materials that pay for themselves (in the current recycling "system").

These are the best alternatives to EPS food containers:

Aluminum foil containers (flexible); the lids would have to be removed prior to recycling; lids are usually a coated/laminated paper board or a rigid, see-through plastic. The containers would have to be separated from aluminum cans.

Polypropylene (#5) containers. There is demand for this plastic, as the plastic retains heat and many are labeled "microwavable." PP could contain up to 20 percent of other plastics, provided the 20 percent is not all EPS.

- Note: Much of the PP food packaging samples obtained by LA Sanitation had black bases (bottoms) and clear lids. The WO Report offers this: "Most QSRs use black plastic for some portion of their food packaging, but material recovery facilities generally cannot process black plastic for recycling due to limitations of optical sorting equipment. Brands need to change the color of these plastics so they will be recycled, or demand a technological fix from the recycling industry."

Paper containers including those with wax coatings or a poly lining. These are acceptable if the coating or lining is on one side only.

Photo by Marlin Packaging

However, the MRFs also asserted that a mixed paper load could contain a maximum of 5 percent of used Starbucks cups. Per the WO Report: "The Food Service Packaging Institute has undertaken preliminary studies indicating that more food service packaging can be accommodated by recyclers than previously thought. Paper mills concerned about plummeting rates of newsprint available for recovery, and other paper manufacturers (especially those using lower-grade fibers), may be able to use food service packaging to replace some of the lost recycled fiber volume." This will need to be investigated to determine the maximum amount of food-contaminated paper that is feasible in a mixed paper load.

The Downside to Paper Food Service Products

One benefit of EPS containers is that they can be considered "inert" when landfilled – meaning they do not degrade. Paper products are organic and will decompose. Per the California Air Resources Board (CARB), there are about 370 landfills in California that have the potential to emit significant quantities of methane, a greenhouse gas (GHG). And Municipal Solid Waste (MSW) landfills are the second largest anthropogenic source of methane in the State. The organic portion of solid waste disposed in MSW landfills decomposes to form landfill gas. Landfill gas contains approximately between 40 to 60 percent methane, 40 to 60 percent carbon dioxide, and trace amounts of other non-methane organic compounds (NMOCs). Based Assuming disposable paper products are substituted for disposable EPS

- More details from LA Sanitation's discussions with the MRFs are found in Appendix XX.

3.1.6 EPS Alternatives and Impacts to Businesses:

- Increased costs are the most common concern among FSEs
- LA Sanitation inquired whether GSD Supply Services could obtain pricing (benchmarking) for EPS food service ware and alternatives; however, market research process is based on pricing of a current contract item that the City procures, and not what businesses within City limits would buy.
- LA Sanitation obtained some retail pricing through an Internet search (Appendix 10)
- The consulting firm Cascadia conducted a pricing study for the City of San Jose, which implemented the first phase of its EPS ban in 2014. It is limited to clamshells, cups, plates and bowls; the complete (45-page) report is available and the summary is presented in Appendix 11. It concludes that the restaurant industry will not be significantly impacted, with these caveats: Full-service restaurants

would be the least-impacted, while those offering limited service would be affected on a scale ranging from negligible to significant. The report recommends alternatives for several different items (clamshells, plates, etc.) based on price and divertability (recyclability).

- Limited anecdotes are available from other municipalities:
- After an EPS ban was enacted in Malibu on January 1 2017, local businesses reported the switch cost them nearly $30,000.
- After a ban was enacted in the City of Santa Monica in 2008, Santa Monica City officials noted that it was a challenge gauging the ban's impact on local merchants, for the reasons below:
  - Businesses and EPS container manufacturers were reluctant to release financial information.
  - Estimates based on surveys of between 150 and 200 businesses found that switching to more recyclable packaging products, such as paper, plastic and tinfoil, would cost businesses anywhere from nothing to nearly 300 percent more each month.
  - The merchants hardest hit by the ban would be mostly fast-food restaurants, which could pay as much as $180 more per month. Those estimates, however, are uncertain.
  - Anecdotal evidence presented by one Councilmember indicated that at least one local national chain franchisee suggested the restaurant may have to spend as much as $8,000 a year make the switch.
  - One local business that derives a third of its sales from take-out meals said the ban could impact (future) sales because hot food may not retain heat during a customer's trip home.

Trade Association Comments

- In response to Los Angeles County's 2017 announcement that it will revisit an EPS ban, a spokeswoman for the California Restaurant Association said small family-owned restaurants are already struggling to meet new minimum wage increases and don't have time to navigate hardship exemptions that could be granted under an EPS ban. She urged the County to focus on expanding recycling programs. When challenged on the recyclability of EPS, she noted that the city of Los Angeles accepts polystyrene containers in residential recycling bins. (Note: she did not clarify that Los Angeles collects only *clean* EPS.)

EPS Manufacturer's on Impacts to Businesses

- A Dart Container Corporation representative said an EPA ban by Los Angeles County would lead to a shutdown of both its California plants and a layoff of 650 employees because retooling the plants would be too expensive. She said:" It is in Dart's DNA to be an environmental steward'' and cited millions of dollars in research and development work. Note: Dart Container Corporation manufactures food containers made of PS, PP, PET, bioplastics (PLA) and paper in other states. Its 5th and 12th plants opened in Corona and Lodi, CA, in 1971 and 1986 respectively; both manufacture EPS containers. (Note: California does not define "bioplastics" but does define "biodegradable," "compostable," and "degradable" when applied to all plastic products and packaging. Please see Appendix 11.)
  1. 2006 report on SM's EPS ban:

3.1.7 MRFs Recommendations to the City

- **General:**
  - Understand that all foreign export markets are at risk
  - California is particularly at risk because it is so reliant on the Chinese market
  - Packaging will continue to evolve and there will continue to be problematic materials, especially food packaging
  - The mixed plastics market is more tenuous than the mixed paper market (because the former does not require the expensive and complicated infrastructure of the latter)
  - Litter: Consider the litter associated with different materials, and that plastic litter poses a higher risk to the ocean and marine life than paper products.
  - Review studies on:
    - Is a blue bin collection or a blue bin ban more effective at reducing litter?
    - Is collection or a ban better for some materials than others?
- **Short-Term:**
  - If just one (food service) material such as EPS is banned, industries (manufacturers and FSEs) will move to other materials that may be equally or more problematic than EPS.
- **Mid-Term**
  - Consider the impacts of the recycLA franchise and how those will offset and/or affect EPS. Note: LA Sanitation anticipates recycLA will result in increased collection of paper, corrugated, and packaging materials.
- **Long-Term:**

The best strategy is to support materials that have viable (and potentially domestic) markets.

  - (Re)consider the scope of the blue bin program: It is preferable to restrict the types and number of materials accepted because that will result in cleaner loads with higher yields. The average contamination rate (percentage of non-recyclable materials) in the City's blue bin stream is about 30 percent. A Bay area blue bin curbside program that does not accept film plastic, EPS, or aseptic packaging generates 300 tons/day (TPD), and 97 percent of that is recoverable (. Industry will continue to introduce new products that are not easily recycled; do not rush to accept these in the blue bin program.
  - Meet with EPS stakeholders, including the following:
    1. Dart Container Corporation
    2. American Chemistry Association
    3. California Restaurant association
    4. The Institute for Local Self-Reliance (ILSR), which researches recycling and MWS issues
    5. The Southeast Resource Recovery Facility (SERFF)
    6. Californians Against Waste (CAW)

7. Patty Moore, formerly with Moore Recycling Associates, co-founder of Sustainable Materials Management of California (SMM of CA), a company founded to manage recycling trade associations, including Plastic Recycling Corporation of California (PRCC)

- Consider Waste-to-Energy (WTE) Pilot Projects

  - Achieving zero waste without WTE will be very difficult, especially given the uncertainty of markets for recyclables

  - Some opposition to WTE may be based upon misunderstanding.

    - The City must weigh all impacts associated with specific materials: littering, landfilling, and/or incineration.

  Evaluate the Hefty Orange Energy Bag Pilot Program (See Appendix 12; Waste Today - May/June article) that was tested in Citrus Heights, CA and several other U.S. cities.

4 Findings

1. Very little EPS is collected through the City's blue bins (less than 1/10th of the entire blue bin stream).
2. It can be concluded that some EPS food service ware is disposed as trash and some is discarded as litter; the respective percentages are unknown as this time. Waste characterizations that will be conducted in 2018 for recycLA franchise customers should be able to provide additional information about the disposal of EPS. Commercial customers represent about 70% of Los Angeles' waste stream.
3. The recycling rate for any EPS is negligible and likely near zero for EPS food service ware.
4. A citywide EPS ban would likely have little impact on the City's recycling and disposal rates, because EPS alternatives will also be single-use disposables that will be substituted on a one-to-one basis. The potential impact of an EPS ban regarding littering is unknown.
5. Given the size and scope of the food container marketplace, and given that most containers are single-use and disposable, relatively few products have recycled-content.
6. EPS alternatives are generally more expensive, although the exact costs will vary significantly from business to business. Please see Appendix 13 for a lifecycle chart comparing EPS food service products to alternatives.
7. A range of EPS alternatives is already in use and readily available.
8. Per the City's contracted MRFs, only three of the EPS alternatives have stable markets and can be considered "recyclable" (on a technical, operational, and economic basis). These are aluminum foil, PP, and paper.
9. Of the three EPS alternatives recommended by the MRFs, paper would require additional investigation into the maximum percentage of food service containers allowed per load of mixed paper, and the amount of contamination (amount of food waste).
10. If not captured for recycling and thus disposed as trash, paper food service products would generate greenhouse gas emissions (EPS, in contrast, is inert); this would conflict with the state's climate initiatives generally and SB 1363 specifically.
11. The City of Los Angeles first raised problems associated with EPS recycling more than twenty years ago (in 1994). And EPS bans are not new in California; it appears that Berkeley's was the first in 1990. EPS food service product manufacturers have continued to promote the recyclability of their products for the past several decades but have not taken concrete steps to facilitate or support EPS recycling.
12. The role of EPS packaging versus EPS food containers, as a component of both litter and disposed waste must be determined. Waste characterizations for recycLA commercial customers will assist, as will future clean-up events and water-quality/TMDL studies.
13. On a broader basis, all food packaging continues to evolve and pose significant recycling challenges. This arena may be more suitable for "upstream," statewide action and legislation.

5 Recommendations

Near-Term (next 1-6 months To help ensure the viability of the City's blue bin program and avoid unnecessary and inadvertent contamination that will downgrade the value and marketability of blue bin materials, City departments should prepare for implementation of 3-phase Ordinance:

1. City Attorney - Research:
    a. Research municipal bans on EPS food service products and non-recyclable/noncompostable food service ware products, lawsuits regarding EPS and similar bans, and the need for Los Angeles to develop CEQA documents lawsuits filed against prior to adoption of an Ordinance banning EPS or other food service products.
    b. Determine the need for an Environmental Impact Report (EIR) documents prior to adoption of a ban on EPS and non-recyclable/noncompostable food service products.
2. City Attorney - Draft the following ordinance:
    a. Phase 1, to become effective 4th Quarter 2018: On a citywide basis, all FSEs would be required to
        - allow customers to provide and use their own beverage and food containers, in a manner that is protective of human health, receive discounts for using said containers; and post signage about container usage and the amount (value) of the discounts; and
        - itemize and charge for to-go beverage and food containers and post signage to this effect;
    b. Phase 2, to become effective 2nd Quarter 2019: on a citywide basis, the use and sale of EPS food service ware will be banned;
    c. Phase 3, to become effective 3rd Quarter 2019, on a citywide basis, the use and sale of food service ware products identified by LA Sanitation as non-recyclable/noncompostable in the City's residential curbside program, including but not limited to, the broad category of "bioplastics," shall be banned. This Ordinance shall include deadlines by which LA Sanitation will issue its determination as to what types of food service products are recyclable/compostable.
    d. Phase 4, to become effective 3rd Quarter 2020, on a citywide basis, would require a minimum level of recycled-content in all food service products sold and used in Los Angeles.

3. <u>LA Sanitation:</u>
    <u>a) Determine how to permanently "institutionalize" the 2008 EPS ban throughout City operations and procedures</u>
    <u>b) Convene an EPS stakeholders working group that includes applicable businesses now participating in LA Sanitation's Green Business certification program</u>
    c) <u>Identify contractual or other mechanisms fo</u>r adding to or deleting from the recycLA commercial franchise program's list of mandatory "recyclable" materials
    5. Convene an internal working group comprised of City departments and/or divisions/offices/business units, including proprietary departments, with economic and/or business development functions, to review all work, initiatives, policies, and lease agreements to ensure that these conform to the existing (2008) EPS ban and will not conflict with a forthcoming citywide ban on EPS and non-recyclable/noncompostable food service products. For example, a company that manufactures bioplastic products, which cannot be recycled or composted in Los Angeles, is headquartered at the La Kretz Innovation Campus (LACI), which is owned by LADWP.

5. Lobbyists for EPS container manufacturers and/or trade associations recently presented information about EPS litter and costs for EPS food containers alternatives to an LA Sanitation division manager. Issue a letter to all entities represented by those lobbyists requesting that they present a plan to the City, prior to December 31 of this year, as to how they will support and enhance EPS recycling, whether through an EPR program, EPS buy-back or take-back programs, financing of clean-up events, provision of processing equipment to area MRFs, large-volume pick up services, education and/or other assistance.

6. Determine, through surveys and/or site visits, how commercial MRFs that will process materials generated through recycLA differ from residential MRFs, and their processing capabilities and limitations related to EPS packaging

4. General Services: With assistance from the City Attorney, negotiate a ban on EPS, followed by a ban on non-recyclable/noncompostable food service products, for all LA Mall (and Civic Center) FSE agreements that lack one or both.

    - Report findings and the status of the above to City Council

Mid-Term (7-12 months)

1. LA Sanitation: Develop a weighted evaluation system or protocol, based on the following chart, for determining which materials should be added to or removed from the curbside and/or recycLA blue bin programs

Attribute	Rating	Weight	Score
Lifecycle (manufacturing process: energy, water, air quality, GHGs)			
Litter			
Other environmental impacts			
Human health impacts			
Role: Current percentage in blue bin streams (residential and commercial)			
Role: Current percentage in black bin streams (residential and commercial)			
Recyclability: Technical			
Recyclability: Economic			
Recyclability: Operational			
Recyclability: Markets- Global			
Recyclability: Markets- Domestic			
Added cost to Business Community (FSEs)			

2. Engage the services of a consultant to assess domestic and international markets for EPS alternatives, and the impact to the City should the Chinese market for paper or mixed plastics be further restricted or close.

3. Engage the services of a consultant to assist with preparation for phase three of the ordinance that will ban the use and sale of food service ware that cannot be composted of recycled locally, to become effective in 2019.

4. Engage the services of a consultant to assist with preparation for phase four of the ordinance, which will mandate minimum post-consumer recycled-content levels in food service ware, to become effective in 2020.
5. General Services and LA Sanitation: In collaboration with the LA Mall Tenants Association,
   - conceptualize a pilot program that incentivizes customers' use of durable, reusable food service products; this may include additional infrastructure (fixtures such as dishwashers, creation of a shared kitchen space, etc.);
   - propose measures such as but not limited to standardized food service products and cooperative purchasing to reduce costs for EPS alternatives
6. Street Services, GSD and RAP, in collaboration with LA Sanitation, develop procedures for reviewing and approving food service products for all events held on City properties.
7. Report findings and the status of the above to City Council

Long-Term (13+ months)

1. Engage the services of a consultant to research and propose source reduction opportunities applicable to the food service/food service product arena that can be achieved through pilot programs and collaboration with the recycLA franchise program.
2. Investigate the feasibility of expanding the City's EPS ban beyond food containers to include the range of products banned/restricted by San Francisco: egg cartons, meat and fish trays; coolers, ice chests, similar containers. * Bans pool or beach toys, dock floats, mooring buoys, anchor or navigational markers; packing materials* including peanuts, shipping containers, and their use to pack within SF (Los Angeles) products sold. *Unless wholly encased within a more durable material.
3. Establish a regional and/or statewide collaborative on curbside recycling to promote uniformity in collection programs, uniform product/material bans, encourage EPS packaging alternatives, and support education and research promoting reuse versus disposal.
4. Engage the services of a consultant to research and work with City business development entities to develop industries that can utilize blue bin materials as feedstock on a local or regional basis.
5. Using available resources, identify all EPS product manufacturing within the State
6. Convene a working group comprised of companies that manufacture and/or use EPS packaging, such as computer, furniture, and electronics manufacturers to discuss a) a Litter Compensation Program that could be modeled after the Mattress Recycling Council's (MRC's) Illegal Dumping Pay Program (IDPP) and b) a Large Volume Pick-Up or Return Service for commercial entities that receive large quantities of EPS packaging, such as universities (computers), etc.
7. Require that all restaurants in the City of Los Angeles be equipped with automatic dishwashers. This will allow food service establishments to utilize reusable food service ware and reduce the need for disposable food containers, cups, utensils and straws. Food service establishments may apply for an exemption to this requirement due to space constraints.