

**REPORT TO THE
CITY COUNCIL**
City of Salinas, California

Agenda Item Number

CC1

DATE: February 15, 2011
FROM: Jim Pia, Parks and Community Services Director
BY: Michael Ricker, Environmental Resources Planner
SUBJECT: **POLYSTYRENE FOOD PACKAGING &
SINGLE-USE PLASTIC BAGS**

Jim Pia

Department Director Approval
Tom Ricker

Finance Director Review
John Dahl

City Attorney Review
John Dahl

City Manager Approval

RECOMMENDATION:

It is recommended that the City Council provide direction to staff on the development of an educational program on environmentally preferred food take-out packaging and single-use plastic bags. It is further recommended that the City Council direct staff regarding:

1. Introducing and adopting an ordinance implementing a polystyrene ban on take-out food packaging within approximately three months of the date of this report; and
2. Studying the possibility of introducing and adopting an ordinance implementing a plastic bag ban, provided that information relating to timing and cost of the required California Environmental Quality Act (CEQA) is brought back for Council review and approval.

DISCUSSION:

Polystyrene is a plastic resin that is used to make a wide range of consumer goods and packaging. In its "foam" or "expanded" state it is frequently used to produce takeout food containers. Polystyrene foam for food take-out packaging contributes to accumulated litter that is not biodegradable. Polystyrene foam often litters parks and public places, streets and roads, waterways and storm drains. The polystyrene packaging often breaks down into smaller, non-biodegradable pieces where it may harm or kill marine and other wildlife when ingested.

Many nearby communities, including Monterey, Pacific Grove, Carmel-by-the-Sea, Del Rey Oaks, Seaside, Santa Cruz, Watsonville and the County of Monterey, as well as other communities regionally and nationally, have adopted ordinances banning this form of food packaging. Regulatory actions taken by these jurisdictions have allowed for reasonable measures to protect the environment, reduce solid waste, and decrease litter. In many cases, the cost for environmentally superior products are comparable, or slightly greater than polystyrene. The alternative products to polystyrene are either recyclable or biodegradable and are manufactured

from renewable sources, including sugarcane fiber and corn. Some of the approximately 500 permitted food providers within the City of Salinas have begun to voluntarily use alternative products.

City staff presented a proposed polystyrene foam food-packaging ban initially to the City's internal "Green Team", which supported the proposal. In August 2010, City staff presented the issue to the Chamber of Commerce Business Development Task Force. A few of the representatives attending this meeting did not believe an ordinance in Salinas was warranted at this time. Rather, they preferred that the City begin an education campaign and talk with businesses on ways to move away from the expanded foam take-out packaging.

Single-use plastic bags have proved to be a significant source of litter in public spaces and in our oceans and waterways. The California Assembly passed AB 1998 in 2010 to ban plastic bags, however, the legislation died in the Senate following significant debate and a lobbying campaign by the plastic bag industry. In 2010, the City of San Jose adopted a ban on single use plastic bags beginning in 2012. To encourage Salinas's residents to use reusable tote bags, and to work to stop litter of plastic bags within Salinas, staff believes an educational campaign on plastic bag use is a reasonable initial approach to solving this problem.

Staff believes that conducting an educational outreach campaign with Salinas restaurants, grocery stores, the business community, and the Chamber of Commerce, on the relative merits of environmentally preferred food packaging and the problem with single-use plastic bags, can be instrumental in getting out the message of using environmentally friendly products. Staff will work with the business community, restaurants, and the Chamber of Commerce to begin a campaign regarding educating the public on alternatives to polystyrene packaging products and single-use plastic bags.

A key issue in considering a plastic bag ban is compliance with the requirements of CEQA. This process requires the City to consider the potential environmental impacts of taking action in banning polystyrene food packaging and plastic bags. The preparation of an Initial Study and, potentially, an Environmental Impact Report (EIR) is needed to assure City compliance with CEQA.

ISSUE:

Shall the City Council provide direction to staff on the development of an educational program on environmentally preferred food take-out packaging and single-use plastic bags?

In addition, shall the City Council direct staff regarding:

1. Introducing and adopting an ordinance implementing a polystyrene ban on take-out food packaging within approximately three months of the date of this report; and
2. Studying the possibility of introducing and adopting an ordinance implementing a plastic bag ban, provided that information relating to timing and cost of the required California Environmental Quality Act (CEQA) is brought back for Council review and approval.

FISCAL IMPACT:

Conducting an educational program would require staff time to organize and prepare for meetings, speak, and otherwise prepare appropriate material to communicate with restaurant operators and other businesses. There is no budget line item for conducting this educational program activity, although the cost of materials should be minimal. However, the impact on reduced staff could be significant and may detract from other activities of Environmental Maintenance staff.

Additionally, the cost for the environmental review required for the polystyrene and plastic bag ban is unknown at this time and will need to be borne by the City.

TIME CONSIDERATIONS:

Staff's initial recommendation on this matter was to bring forth an ordinance banning the use of polystyrene for food packaging. After meeting with the Business Development Task Force, staff believes that the best course of action is to begin an educational program in terms of environmentally friendly packaging and introduce an ordinance to Council on the polystyrene ban. With Council approval, a timeline and cost for a plastic bag ban will be reviewed by staff and brought back to Council.

ALTERNATIVES:

Take no action. This would result in the status quo condition whereby persistent materials would continue to be a significant litter concern.

CITY COUNCIL GOALS:

The City is committed to promoting a positive image for the City. Reducing the source of litter will enhance the City's image by removing blight, and reducing City clean-up costs. Adoption of an educational program will help meet the goal of reducing the source of litter.

CONCLUSIONS:

Implementation of an educational campaign effort working with local businesses would be a step toward the use of environmentally acceptable food packaging. Following the educational campaign with an ordinance introduction banning polystyrene take-out food packaging will greatly assist the City in addressing a significant litter problem.

Distribution:
City Council
City Manager
City Attorney
Department Directors

Back Up Pages:
Resolution

RESOLUTION NO. _____ (N.C.S.)

**RESOLUTION APPROVING AN EDUCATIONAL CAMPAIGN
TO PROMOTE ENVIRONMENTALLY PREFERRED FOOD TAKE-OUT PACKAGING AND THE
ELIMINATION OF SINGLE USE PLASTIC BAGS**

WHEREAS, litter within the City constitutes health and environmental risks, and

WHEREAS, certain non-biodegradable materials linger in the environment for indeterminable periods of time requiring space in local landfills and posing sustained environmental concerns; and

WHEREAS, the City is charged with protecting the public health, safety, welfare and the environment by promoting the reduction of solid waste generation and the diversion of solid waste from landfills. The Integrated Waste Management Act of 1989 (Public Resources Code section 41750 et seq) requires the City to divert its solid waste from landfills through source reduction, recycling, and composting activities; and

WHEREAS, the City is considering adoption of an educational program to establish programs promoting environmentally preferred food packaging and take-out packaging that will reduce litter and the use of environmentally damaging packaging, such as polystyrene foam food packaging and single use plastic bags in the incorporated area of the City of Salinas; and

WHEREAS, eliminating the use of polystyrene foam food packaging and single use plastic bags will help maximize the operating life of area landfills. While it is not economically feasible to recycle polystyrene foam in the City of Salinas, or County of Monterey, some other food packaging alternatives are recyclable locally, such as clear deli containers and clean aluminum foil. Unlike polystyrene foam packaging, these other food packaging alternatives can be recycled, thereby reducing the need for virgin resources, reducing the amount of food packaging being sent to landfills, and lessening the economic and environmental costs of waste management for businesses and citizens of the City of Salinas.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALINAS, that the City Council adopts a resolution authorizing staff to work with the business community to develop and conduct an educational campaign on environmentally preferred food take-out packaging and the elimination of single use plastic bags.

PASSED AND ADOPTED by the City Council of the City of Salinas on this 15th day of February 2011, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Dennis Donohue, Mayor

ATTEST:

Ann Camel, City Clerk