



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE EP-4
A3509-5

November 22, 2011

TO Each Supervisor

FROM Gail Farber *Gail Farber*
Director of Public Works

**BOARD MOTION OF SEPTEMBER 21, 2010, ITEM 29
EXPANDED POLYSTYRENE FOOD CONTAINERS - REPORT ON THE FEASIBILITY
OF IMPLEMENTING A RESTRICTION AT FOOD ESTABLISHMENTS AND RETAIL
STORES IN UNINCORPORATED COUNTY AREAS**

On September 21, 2010, following comprehensive studies and stakeholder discussions, your Board adopted a prohibition on the purchase and use of expanded polystyrene (EPS) food containers at all County operations. Your Board also directed the Department of Public Works and County Counsel to report back, within 12 months of implementing the prohibition at County operations, on the feasibility of implementing a restriction on the use of EPS food containers at food service establishments and retail stores in the County unincorporated areas. The Board further directed Public Works to specifically look at appropriate infrastructures to handle alternative materials as part of its feasibility study, and provide quarterly updates to the Board.

The attached report summarizes Public Works' findings, conclusions, and recommendation in response to your Board's instruction. The report was developed following extensive investigation, review of case studies, and consideration of stakeholder feedback. Public Works staff has met regularly with the stakeholders' Working Group over the past year and received valuable input from them. This Working Group consists of representatives of EPS manufacturers, manufacturers of alternative food container products, restaurants and other retailers, environmental organizations, other public agencies, and members of the public.

The report finds no legal barriers to your Board establishing a prohibition of EPS food containers in the unincorporated County areas. Approximately 43 cities and counties in California have adopted ordinances prohibiting the use of EPS food containers at retailers, and more cities are considering similar measures. Developing and implementing such an ordinance, including compliance with the California Environmental Quality Act, if needed, may cost up to \$1 million if an Environmental Impact Report (EIR) is required, and take up to 18 months to complete. A Statewide prohibition would be most effective in reducing the negative impacts of EPS litter which are widespread, running across jurisdictional boundaries due to its lightweight nature.

Upon consideration of all the information gathered, stakeholder feedback, the estimated effectiveness of an unincorporated area prohibition, and other potential measures to reduce the negative environmental impact of EPS food container litter, Public Works developed a recommendation for consideration by your Board, consisting of three components:

1) Pursue the passage of a prohibition of EPS food containers at a Statewide level

A Statewide prohibition would be the most effective measure to reduce EPS food container litter in the County. Senate Bill 568 (Lowenthal), already supported by the County, is currently pending in the State Legislature after passage in the State Senate earlier this year.

2) Partner with the industry to establish a comprehensive program to reduce litter, including EPS food container litter, in the region

This comprehensive program would combine efforts from industry, restaurants, nonprofits, environmental organizations, and municipalities through the County's existing Working Group. The focus of these efforts would be to reduce the prevalence of EPS food container litter, while also reducing other forms of litter. The program would consist of an integrated strategy that incorporates public education, litter collection and management, EPS recycling, composting infrastructure, enhanced enforcement of anti-litter laws, extended producer responsibility, and conversion technologies/waste-to-energy. This program is discussed in more detail in Chapter 7 of the attached report.

3) Consider a ban in unincorporated County areas if measures 1 and 2 above are not found to be successful

Lastly, if the State Legislature fails to adopt legislation addressing EPS litter, and the comprehensive program is not determined to be successful, your Board may consider adoption of a prohibition in the unincorporated areas of the County.

Each Supervisor
November 22, 2011
Page 3

These potential measures are discussed in greater detail in the attached report. Should you have any questions, please contact me or your staff may contact Pat Proano of Environmental Programs Division at (626) 458-3500

CS:td

A3509-5 Cover Memo Nov 2011 (2).doc

Attach

cc. Chief Executive Office
County Counsel
Internal Services
Office of Sustainability
Public Health
Sanitation Districts of Los Angeles County