BALLONA CREEK Renaissance

Connecting Creek and Community, www.ballonacreek.org

MOVING TOWARD A POLYSTYRENE FREE CULVER CITY

Proposal to Ban Single-use Disposable Polystyrene Food Service Ware in Culver City

(Left) Polystyrene accumulates at the net on Ballona Creek between Culver and Lincoln Blvd downstream from Culver City. (Right) Corner of Marina del Rey- on 9/5/16

NOTE: Please note the correct term is POLYSTYRENE (PS) and not Styrofoam (which is a brand name currently used for certain non-food or beverage-related packing products only).

Definition: Polystyrene is a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to PS foam or expanded PS, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, or extrusion-blow molding (extruded foam polystyrene) and clear or solid polystyrene (oriented polystyrene). The Recycle Code is (6) or PS, either alone or in combination with other letters. This definition applies to all Polystyrene Food Service Ware, regardless of whether it exhibits a Recycle Code. (Source: Manhattan Beach Ordinance NO 13-0009)

INTRODUCTION

In an effort to protect our coastal environment and public health, Culver City-based Ballona Creek Renaissance (BCR) is recommending that the City of Culver City ban single-use Polystyrene (PS) disposable food service ware. Our primary change since our initial

proposal in April, is that BCR now offers as a model the 2014 City of Manhattan Beach Ordinance, including that City's related outreach to businesses and other community members.

While PS has unique attributes that make it practical and affordable, those very same attributes have irreversible impacts on the community and the environment. Much of the adverse impact of unnecessary plastic marine debris coming from its manufacture, transport, and handling, the more we can keep out of the waste stream the better. Experience has shown that throughout California, in the 98 municipalities that have adopted polystyrene-related ordinances, businesses can adjust and even thrive with the change.

BCR's initiative to ban PS comes from years of experience in the watershed and clean-up efforts along Ballona Creek in Culver City and especially at the Centinela Ave. bridge which is just over a half mile west of the border of Culver City. We have focused our cleanups just downstream of Culver City because this is where the bottom of the channel changes from concrete to soft-bottom. This more natural environment allows vegetation to grow which then captures and holds litter traveling from Culver City to the ocean.

During our clean up events, we have found large amounts of Polystyrene (6) plastic on the Creek and in the Bay. While PS is far from being the sole polluter of Ballona Creek and the Santa Monica Bay, we believe it is particularly harmful due to its lightweight nature (Expanded PS is 90% air). The wind easily blows PS into the environment. It then breaks apart into small particulates, algae can grow over it, and it is mistaken for food by marine birds and fish. It then moves into our food chain becoming nefarious to human health and the Ocean.

> Roughly 80% of marine debris originates from land-based sources. Plastics comprise 90% of floating marine debris.
> (Source: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Public and Constituent Affairs, (1999) "Turning to the Sea: America's Ocean Future;" United Nations Environment Programme (1995) "Global Programme of Action for the Protection of the Marine Environment from Land-based Activities." Note by the secretariat. UNEP (OCA) /LBA/IG.2/7.)

If we keep PS in circulation, this litter will continue to impact our environment negatively, which is why we encourage banning it rather than recycling it. Firstly, recycling is not available with the current Culver City Recycling program. If it is "recycled", it would require the cleaning of contaminated containers which, in a drought, seems unreasonable to propose as well as the added labor of separating the material. Secondly, most cities have found that it is not cost effective to recycle PS. Why continue to use such a product when there are recyclable alternatives available.

If we choose proper alternatives for PS, as has been done successfully in the Culver City School District and at Fiesta La Ballona, a zero-waste event, Culver City would join the other 98 cities in the State and set the example for the City and County of Los Angeles, who are the predominant polluters of the Creek and Bay and directly impact Culver City.

Some points brought up at the last council meeting, merit our attention:

- Culver City is not the only responsible party for the litter issue. In fact it has been suffering from the lack of bans in the City and County of LA and is directly impacted by the lack of ordinance. But why not choose to take a step forward to improve the situation instead of waiting for others.

- Like the Plastic Bag Ban, we have seen first hand the impact of removing these harmful products from circulation: the number of bags we see on the creek has decreased significantly!

- BCR believes that education is a key to litter control and since its creation over 20 years ago, it has been instrumental in this respect within the whole of the Culver City community: we have been actively promoting the protection of the creek in schools, clubs, and organizations. In fact, the BCR High School Club was created 2 years ago and was the most popular and well-attended Club on campus last year due to our dynamic and successful clean up events.

- We agree that more trash cans and more trash service are beneficial to reduce and address trash litter. But the general litter issue needs to be addressed from different angles and at different levels. Banning PS is just one opportunity that will help us clean up our City.

- Concerns about the quantity of polystyrene in the environment and whether it is worthwhile to ban PS: "According to the Los County Department of Public Works, polystyrene food packaging comprises 0.1 percent of the waste stream (by weight) but makes up about 17 percent of the litter stream." We believe this is a significant impact on our environment.

- We address the potential cost to businesses later in the proposal.

A. HAVE OTHER CITIES ADOPTED A POLYSTYRENE BAN?

- Yes, California has the most cities of any state that ban polystyrene; currently 98 cities.
- Locally: Manhattan Beach, Hermosa Beach, Santa Monica, Calabasas, Laguna Beach, Newport Beach (ordinance available upon request), Huntington Beach, Dana Point, Malibu, San Clemente (ordinance available upon request), West Hollywood and most recently Pasadena, have all adopted full or partial bans.
- LA City and County, Orange County, Ventura County have government facility bans.

  (Sources: Groundswell.org and Surfrider.org)

B. OUR RECOMMENDATION

BCR suggests the adoption of the **Manhattan Beach Ordinance**, including its most recent amendments. In summary:

The polystyrene ordinance applies to single-use disposable containers intended for serving or transporting prepared, ready-to-eat food or beverages. Examples include cups, plates,

trays, bowls, and hinged or lidded containers and also includes other single-use disposable food service items such as straws, cup lids and utensils.

Further, the ordinance also prohibits the sale of these polystyrene materials in local retail stores, as well as the sale of polystyrene foam ice chests or coolers. “Polystyrene Cooler”

means any cooler or ice chest made of PS foam, where such foam is not fully encased in another material.

In addition, we suggest that Culver City take advantage of the experts that comprise our coalition of supporters to help understand all aspects of the effects of PS on the environment.

C. DO WE NEED AN EIR?

The City of Santa Monica passed their ordinance in 2007 without an Environmental Impact Report. There is a general rule exemption because "there is no foreseen environmental impact" in banning polystyrene. CEQA Sect. Guidelines 15061(b)(3)

D. WHO SHOULD COMPLY WITH THE NEW ORDINANCE?

This ordinance would prohibit all food providers in the City of Culver City from dispensing prepared food in non-recyclable plastic food service containers made from polystyrene #6 materials.

“Food provider” means any establishment, located or providing food within the City of Culver City, which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, delicatessen, grocery store, super market, catering truck or vehicle, or any other person who provides prepared food, and any organization, group, or individual that regularly provides food as a part of its service. The ordinance also would cover food containers purchased by city staff; food programs sponsored by the city, city-sponsored events, city-managed concessions and city-permitted events.

E. HOW MUCH DOES THIS COST THE BUSINESS AND/OR CONSUMER?

Eco-friendly alternatives to polystyrene containers tend to be more costly. Informal surveys conducted by BCR members show that businesses no longer using polystyrene have found reasonable alternatives with a minimal effect on their bottom line.

Price will vary upon size and type of food service container. For example for a similar clamshell container: Polystyrene: $.07 - Alternatives $.17 - $.43. Many local restaurants and grocery stores already use recyclable containers.

According to recent survey research by the City of Pasadena: "The unit cost increase to convert from polystyrene packaging·to a comparable alternative product is anticipated to be about four cents."

In total, there may be an estimated additional cost per day of between $8 to $14 based on research done by Los Angeles County.

F. WHY IS THE BAN GOOD FOR BUSINESS?

It is a misinterpretation that banning polystyrene hurts businesses or is an anti-business move. In fact, a business can benefit from using alternatives to PS by satisfying customers' wishes and getting recognition in the community as a green business. Based on neighboring cities' experiences, no business has ever closed because their take-out containers were slightly more expensive!

- Trash in the environment is not good for businesses nor is it good for Culver City and its residents.
- They can save money on waste bills, by increasing recycling and composting efforts.
  - Recycling service rates in Culver City are 70% less than trash service fees, so by increasing recycling collection, they can reduce their trash bills.
  - Composting service rates are 50% less than trash service rates in Culver City so by setting up a comprehensive organics program, a business will save money!
- They can offset additional costs relating to the purchase of alternatives by adopting an "Opt-In" Program:
  - All disposable service ware should be offered to the customer, rather than automatically given. This will save the business tremendous amounts annually.
  - Charge clients a minor fee for take-out service ware.
- The business can adopt a "Bring Your Own" Program by incentivizing their customers to bring or use their own containers, straw, utensils, and offer a discount to customers who do participate.
- They are participating in the growing green business local and state community by running a sustainable business
- They can advertise their green efforts and enjoy a marketing edge over their competition
- They can conduct their business according to values of creating a better future,
- Meet the growing demand of their customers for eco-friendly businesses
- Conserve valuable resources and protect the environment
- By reducing their amount of trash, they reduce the burden on taxpayers dollars
- Helps the City comply with all rules and regulations pertaining to the environment
- Assists Culver City in reaching its zero waste goals of 90% diversion or more by 2025

G. WHY KEEPING POLYSTYRENE IS A COST FOR CULVER CITY AND ITS RESIDENTS:

- Cleaning up the City streets and Creek costs taxpayer dollars
- Keeping polystyrene in circulation creates more street pollution which can end up in our storm drains and then on to the creek and ocean. The light weight character of PS causes great harm to the environment
- Uneconomical to recycle: the cost is more, when it is necessary to separate PS from the rest.
- Washing containers during a drought seems unreasonable
- The dangers of the leaching of styrene from the containers into our food, due to heat, is known to science.

H. IMPLEMENTATION:

1. How quickly should this be enacted?

Current Polystyrene Ordinance Enforcement recommendation:
Within 6 months, all food vendors must comply with the Ordinance to ensure that food service ware provided to customers is not made from polystyrene.

2. What are the possible penalties for non-compliance?

Any person convicted of a violation of this ordinance is guilty of an infraction of the City's municipal code, and is subject to fines. Written warnings may be issued at first, followed by the fine structure below:

- a fine not exceeding one hundred dollars ($100) for a first violation;
- a fine not exceeding two hundred dollars ($200) for a second violation of the same ordinance within one year; and
- a fine not exceeding five hundred dollars ($500) for each additional violation of the same ordinance within one year

3. What types of containers are allowed under the ordinance?

Please refer to the Manhattan Beach Resources for Alternative Materials webpage for information on where to find allowable containers.

- Aluminum
- Recyclable Plastics
- Coated and Uncoated Paper
- Note: It is recommended that coated and uncoated papers contain a minimum of 90% paper, ideally made with post-consumer recycled content. Typically, these products will be labeled “post-consumer recycled content”.
- Compostable plant fiber products, such as Bagasse, are now made from corn, sugar cane, bamboo, palm, grass and other rapidly compostable resources.
- Bio-plastic
- Note: It is recommended that bio - plastic containers be clearly labeled with the "COMPOSTABLE" green marking and have a certification agency logo. This criteria aids in the process of recycling the containers properly. Third party certification and State law requires that these products successfully meet applicable standards for compostability.
- If using a composting collection service provider, bio-plastic to-go food containers must be certified as commercially compostable and meet ASTM D6400, ISO 17088 or DIN EN 13432 [1] standards by a third party verification agency such as:
- ◦Biodegradable Products Institute (North America);
- ◦AIB Vincotte Inter (Belgium);
- ◦DIN Certco (European Union);
- ◦Australian Environmental Labeling Association (Australia) [2];
- ◦Japan Bioplastics Association (Japan).
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*The logo of the verification agency, to confirm the compostable certification, must be printed on the product, labeled with the word “COMPOSTABLE” and green marking.

Proper product labeling including the certification agency logo and the word “COMPOSTABLE” lets business owners, their employees, residents, the composting collectors and processors know that

products with this label have been third party tested to ensure that they will compost quickly, completely, and safely and to easily distinguish them from other plastic food and beverage containers. This requirement meets the needs for composting and marketing of composting material. It helps to produce a high quality, nutrient-rich compost that helps sustain agriculture and landscaping. The goal is to keep these products separate from plastics made out of petroleum.

J. WHY IS THE BAN GOOD FOR CULVER CITY?

- Helps Culver City to continue its leadership role in reducing the amount of trash and plastic debris contaminating our neighborhoods, waterways and ocean, and pave the way for other municipalities who share responsibility in pollution control;
- Helps the City be on the right side of History;
- Helps the City to comply with the Regional Clean Water Quality requirements and targeted TMDL (Total Maximum Daily Load) levels of trash and a variety of pollutants, many of which are trash-borne;
- Helps reduce Culver City's costs associated with maintaining and cleaning streets, catch-basin inserts, the creek bike path, and more;
- Reduces the amount of non-recyclable waste going to landfills;
- Diminishes trash flying around the neighborhoods and clogging our storm drains;
- Helps reduce the quantity of local and ocean pollution and contributes to the health and well-being of the environment we share, much like the plastic bag ban, which has significantly reduced the amount of bags floating down the creek; and
- Fosters the collaborative approach that Culver City already enjoys with other municipalities and organizations, the Culver City Unified School District, Ballona Creek Renaissance, and the Culver City High School BCR Club.

BCR Culver City High School Club- February 2015 clean up at Centinela
(Photo Courtesy of Blake Hottle)

Our proposed Culver City ordinance will serve a similar dual purpose of education and action. As an organization that has learned the value of cooperation and partnering among a wide variety of stakeholders, we look forward to the city's partnership in this small but important, doable, and affordable step.

So, while Recycling remains important, we realize that other R's do more to promote our personal, environmental, and economic health" Reduce, Reuse, Rethink, Renew, and Restore---and even the "Renaissance" in BCR's name, which implies "rebirth" or "new beginnings." Together BCR and Culver City have shared many new beginnings a step at a time. And we look forward to working with you on future similar steps, both big and small toward an ever more livable and sustainable community.

Attachments: Manhattan Beach Ordinance & Amendments
Clean Bay Certified Restaurants in Culver City
Clean Bay Certified Inspection Checklist

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