



## CITY COUNCIL STAFF REPORT

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**TO:** Honorable Mayor and City Council                      **DATE:** January 22, 2018

**FROM:** Matthew Bronson, City Manager

**PREPARED BY:** Matthew Bronson, City Manager

**SUBJECT:** Second Reading and Adoption of an Ordinance to Regulate the Use of Expanded Polystyrene Products

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### **RECOMMENDATION**

Conduct second reading, by title only, and adopt Ordinance No. 18-01 adding Chapter 7 to Article V of the Grover Beach Municipal Code to regulate Expanded Polystyrene Products with an effective date of July 22, 2018.

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### **BACKGROUND**

On January 8, 2018, the Council conducted a public hearing and introduced and conducted a first reading, by title only, of an Ordinance adding Chapter 7, Article V to the Grover Beach Municipal Code to regulate Expanded Polystyrene (EPS) Products. This hearing was the culmination of work over the past year in researching the potential regulation of EPS products and ultimately drafting an ordinance to regulate such products in a manner consistent with other nearby cities (Arroyo Grande, Morro Bay, Pismo Beach, and San Luis Obispo).

Staff is requesting that the Council conduct a second reading and adopt this Ordinance with an effective date of July 22, 2018. This effective date would provide a six-month window for businesses to use up their existing supply of EPS products before being required to use alternative products. The final Ordinance shown in Attachment 1 reflects the Council's revision to change the term "police power" in the first "Whereas" statement to "authority."

Pending Council adoption, staff will work with the Arroyo Grande/Grover Beach Chamber of Commerce to conduct outreach to Grover Beach businesses about the Ordinance and the requirement to use non-EPS products beginning in July 2018. Staff will also advise businesses of the exemption request available due to undue hardship, practical difficulty, or public health and safety needs.

Lastly, the City received a letter from the EPS Industry Alliance (see Attachment 2) requesting a continuance of this item which would be a policy decision for the Council. The City forwarded a copy of this letter to the Integrated Waste Management Authority (IWMA) and received a response from IWMA Manager Bill Worrell (see Attachment 3).

### **FISCAL IMPACT**

Implementation and enforcement of this Ordinance will be provided through existing City resources with enforcement on a complaint basis similar to other code enforcement complaints.

### **ALTERNATIVES**

1. Conduct second reading, by title only, and adopt Ordinance No. 18-01 adding Chapter 7 to Article V of the Grover Beach Municipal Code to regulate Expanded Polystyrene Products with an effective date of July 22, 2018; or
2. Provide alternative direction to staff.

### **PUBLIC NOTIFICATION**

The agenda was posted in accordance with the Brown Act. A copy of this staff report and meeting agenda were provided to the Arroyo Grande/Grover Beach Chamber of Commerce and representatives of SLO Foam Free.

### **ATTACHMENTS**

1. Ordinance No. 18-01
2. Correspondence, EPS Industry Alliance, dated January 17, 2018
3. Correspondence, IWMA, dated January 18, 2018

## ORDINANCE 18-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, ADDING CHAPTER 7 TO ARTICLE V OF THE GROVER BEACH MUNICIPAL CODE TO REGULATE EXPANDED POLYSTYRENE PRODUCTS**

**WHEREAS**, the City of Grover Beach (“City”) has the ~~police power authority~~ to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

**WHEREAS**, according to the California Department of Transportation, expanded polystyrene products (“EPS”) comprises approximately 15% of storm drain litter and is the second most common form of beach debris in California. Also, plastic products, including expanded polystyrene, make up 80-90% of floating marine debris; and

**WHEREAS**, the City boundary includes creeks and other waterways, which are an important natural resource as exemplified in various policies of the City’s General Plan. Expanded polystyrene products break apart into small pieces and ultimately flow to the Pacific Ocean contributing to concerns related to water quality and habitat protection both within the creek system as well as the marine environment; and

**WHEREAS**, items made from expanded polystyrene are not biodegradable, compostable, or recyclable locally; and

**WHEREAS**, expanded polystyrene breaks into small pieces and because it is lightweight, may be picked up by the wind even when it has been disposed of properly; and

**WHEREAS**, expanded polystyrene as litter is highly durable and is present in many public places, streets and roads, waterways and storm drains which may ultimately float, or be blown, into the Pacific Ocean; and

**WHEREAS**, marine animals and birds often confuse expanded polystyrene with pieces of food and, when ingested, it can impact their digestive tracts, often leading to death; and

**WHEREAS**, expanded polystyrene is manufactured from petroleum, a non-renewable resource; and

**WHEREAS**, take-out food packaging that is biodegradable, compostable, and recyclable is the most responsible and sustainable choice for the City’s tourist economy, its citizenry and its environment. When products are recycled, natural resources are spared, less energy is used for the production of new products, and landfill space is preserved; and

**WHEREAS**, regulating the use of expanded polystyrene products will maximize the operating life of landfills; and

**WHEREAS**, regulating the use of expanded polystyrene products within the City will help protect the City’s natural environment from contamination and degradation.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Grover Beach as follows:

**PART 1:** The above recitals and findings are true and correct and incorporated herein by this reference.

**PART 2:** Chapter 7 of Article V, Expanded Polystyrene Products, is hereby added to the Grover Beach Municipal Code as follows:

#### CHAPTER 7 – EXPANDED POLYSTYRENE PRODUCTS

|      |   |
|------|---|
| 5700 | Definitions   |
| 5701 | Expanded Polystyrene Disposable Food Containers Prohibited                    |
| 5702 | Required Biodegradable, Compostable, or Recyclable Disposable Food Containers |
| 5703 | Prohibited Sales  |
| 5704 | Exemptions  |
| 5705 | Violations  |

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. “ASTM Standard” means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.
- B. “Biodegradable” means Compostable (separately defined) or the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.
- C. “City Facility” means any building, structure or vehicle owned and operated by the City of Grover Beach, its agents, agencies, and departments.
- D. “City Contractor” means any person or entity that enters into an agreement with the City to furnish products or services to or for the City.
- E. “Compostable” means all the materials in the product or package will break down, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch). Compostable disposable food containers must meet ASTM Standards for compostable materials.
- F. “Disposable Food Container” is interchangeable with “to go” packaging and “food packaging material” and means all containers that are used to hold Prepared Food or drinks. Disposable Food Containers include clamshells, bowls, plates, trays, cartons, and cups that are intended for single use, including without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.
- G. “Events Promoter” means an applicant for any event permit issued by the City or any City employee(s) responsible for any City-organized event.

- H. “Expanded Polystyrene” or “EPS” means blown expanded and extruded polystyrene or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes and packing peanuts.
- I. “Expanded Polystyrene Products” means any item such as coolers, ice chests, cups, bowls, plates, clamshells containers, shipping boxes, packing peanuts, or any other merchandise made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material.
- J. “Food Provider” means any establishment located within the City, that is a retailer of Prepared Food or beverages for public consumption including, but not limited to any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.
- K. “Person” means an individual, business, Event Promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- L. “Prepared Food” means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the city. Prepared Food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.
- M. “Recyclable” means any material that is specified in the franchise agreement with the City’s solid waste removal provider including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, High Density Polyethylene (HDPE), Polyethylene Terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.
- N. “Vendor” means any store or business which sells or offers goods or merchandise, located or operating within the City of Grover Beach, including those referenced in and including “Food Provider.”

5701 Expanded Polystyrene Disposable Food Containers Prohibited

- A. Food Providers within the City of Grover Beach may not provide Prepared Food in or provide separately any Disposable Food Container made from Expanded Polystyrene, except as exempted in Section 5704.
- B. Disposable Food Containers made from Expanded Polystyrene are prohibited from use in all City Facilities.
- C. City Contractors in the performance of City contracts and Events Promoters may not provide Prepared Food in Disposable Food Containers made from Expanded Polystyrene.

5702 Required Biodegradable, Compostable, or Recyclable Disposable Food Containers

- A. All Food Providers within the City utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- B. All City Facilities utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- C. City Contractors and Events Promoters utilizing Disposable Food Containers shall use Biodegradable, Compostable, or Recyclable products while performing under a City contract or permit.

#### 5703 Prohibited Sales

No Vendor or Events Promoter in the City may sell or otherwise provide any Expanded Polystyrene Product, which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 5704. This specifically includes, but is not limited to, cups, plates, bowls, trays, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, packing peanuts, or other packaging materials.

#### 5704 Exemptions

- A. The City Manager, or his/her designee, may issue a one-time exemption for up to one (1) year for a Food Provider from the requirements set forth in this ordinance upon the Food Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty. The City Manager or designee shall put the decision to grant or deny an exemption in writing, and the decision shall be final.
- B. Exemptions to allow for the sale or provision of Expanded Polystyrene Products may be granted by the City Manager or designee, if the vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The City Manager or designee shall put the decision to grant or deny the exemption in writing and the decision shall be final.
- C. An exemption application shall include all information necessary for the City Manager or designee to make a decision, including, but not limited to, documentation showing factual support for the claimed exemption. The City Manager or designee may require the applicant to provide additional information. The City Manager or designee may approve the exemption application in whole or in part, with or without conditions.
- D. Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this chapter.
- E. Raw meat, fish and other raw food trays are exempt from the provisions of this chapter.
- F. Products made from Expanded Polystyrene, which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, life preservers, and craft supplies, which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.
- G. Construction products made from Expanded Polystyrene are exempted from this ordinance if the products are used in compliance with Grover Beach Municipal Code

Article VIII Building Regulations and used in a manner preventing the Expanded Polystyrene from being released into the environment.

- H. In a situation deemed in writing by the City Manager or designee to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Providers, City Contractors and Vendors doing business with the City shall be exempt from the provisions of this chapter.
- I. Expanded Polystyrene packaging products, which have been received from sources outside the City, may be reused to be kept out of the waste stream.

5705 Violations

- A. Any violation of the provisions of this chapter by any person is subject to the penalty provisions as provided in Chapter 2 (Penal Provisions), Article 1 (General Provisions) or any other pertinent provision of this code or as amended.
- B. For the first violation, the City Manager or designee may allow the violating Food Provider, in lieu of the penalty provisions contained above, to submit receipts demonstrating the purchase after the citation date, of Biodegradable, Compostable, or Recyclable products.
- C. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

**PART 3:** If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared in violation of the law.

**PART 4:** This Ordinance shall become effective six (6) months after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**INTRODUCED** at a regular meeting of the City Council held January 8, 2018 and **PASSED, APPROVED, and ADOPTED** by the City Council on \_\_\_\_\_, on the following roll call vote, to wit:

|          |                   |
|----------|-------------------|
| AYES:    | Council Members – |
| NOES:    | Council Members – |
| ABSENT:  | Council Members – |
| ABSTAIN: | Council Members – |

APPROVED:

**\*\* D R A F T \*\***

\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

ATTEST:

\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID P. HALE, CITY ATTORNEY





January 17, 2018

The Honorable Jeff Lee and Members of the City Council  
154 South Eighth Street  
Grover Beach, California 93433

**VIA EMAIL ONLY**

Re: Request for Continuance  
Agenda Item – Ordinance to Regulate the Use of Expanded Polystyrene  
Monday, January 22, 2018

Dear Mayor Lee and Members of the City Council:

The EPS Industry Alliance is the North American trade association representing the building insulation and packaging sector of the expanded polystyrene industry. We are writing to make you aware that a great deal of the information typically relied upon to support EPS bans is less than accurate. In addition, polystyrene ban proponents rarely acknowledge that more than 55 California cities maintain polystyrene curbside collection programs as compared to approximately 65 cities that have chosen bans instead of recycling.

We trust the Grover Beach City Council has a sincere interest to thoroughly engage all stakeholders with an interest in the topic of polystyrene packaging waste diversion. In this regard, we would like to request a postponement of the currently scheduled agenda item to afford a full opportunity for the City Council to consider all of the information and receive input from other stakeholders. Although the agenda has not been posted, it is understood that the Ordinance to Regulate the Use of Expanded Polystyrene will be considered on January 22. For the reasons set out below, we request the agenda item be continued to permit input from impacted stakeholders and allow council members time to review new information regarding these complex issues. Please let us know by close of business Friday, January 19 whether the continuance request has been granted and whether the ordinance will be on the January 22 agenda.

Several examples of the type of misinformation relied upon are described in the attached letter recently served on a California manufacturer that produces the type of replacement packaging your proposed ban would favor. Please take the time to review the side-by-side comparison of unsupportable claims characterizing EPS as an environmental 'bad actor' and the government agency, third-party counter references to discredit the inaccurate information.

Regarding litter concerns, after conducting an internal report titled [Expanded Polystyrene Food Container Recycling Study](#), the City of San Diego decided against a ban. We recommend the Grover Beach City Council benefit from the extensive research and conclusions drawn by the City of San Diego before adopting a polystyrene ban in your community.

Waste management, litter reduction, recycling initiatives and proper legislative responses are complex issues with multiple interrelated scientific considerations. Packaging Digest magazine recently published [Target, McDonald's and others nix EPS packaging](#) which examines the potential unintended consequences of polystyrene bans. Information in the article further addresses concerns such as the misinterpretation of scientific reports and data.

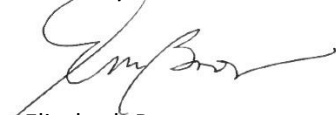
Case studies and the experience of other cities on whether bans have any positive effect should also be fully considered before implementing a ban. An inherent characteristic of packaging is that it is shipped somewhere other than where it is initially used. An [article in the San Francisco Chronicle](#) referred to the increase in packaging as the 'Amazon Effect' and provides information that should be considered.

The EPS Industry Alliance recently met with CalRecycle and will be collaborating on a survey of California communities and recycling businesses to determine what makes their polystyrene recycling collection efforts successful

For these reasons, it is respectfully requested that the agenda item be deferred to allow a full consideration of the facts, experiences and data and a full opportunity for all stakeholders to share their information with the City Council.

It would be greatly appreciated if a response to this request for continuance could be provided by close of business Friday, January 19, 2018.

Sincerely,



Elizabeth Bowers  
Executive Director  
EPS INDUSTRY ALLIANCE



Walter A. Reiter, III, Esq.  
Deputy Director  
EPS INDUSTRY ALLIANCE

ecc: Donna L. McMahon, City Clerk

January 9, 2018

Mr. Darrell Jobe  
Vericool Packaging  
7066 Las Positas Rd.  
Suites C/D  
Livermore, CA 94550

RE: EPS Product Disparagement

Dear Mr. Jobe:

On behalf of the EPS Industry Alliance (EPS-IA), we previously requested that EPS misinformation found on Vericool®'s website and other social media outlets be removed. The performance and environmental statements referenced in EPS-IA's October 21, 2017 letter are false, making your failure to provide substantiation from credible third-party authorities, or remove them from your marketing materials, a blatant act of product disparagement.

To clarify, "Disparagement" means the willful or malicious dissemination to the public in any manner of any false information. False information is that information which is not based on reliable, scientific facts and reliable, scientific data which the disseminator knows or should have known to be false.

12/29/17 press release, "Vericoolers Eliminate 60 Tractor-Trailers Worth of Toxic Polystyrene"

- Is the intended meaning that Vericool® sold 60 tractor-trailers worth of its product, replacing EPS?
- On what basis is Vericool® determining the EPS unit of measure for each truckload?
  - Undensified (loose) EPS is approximately 3,000 lbs/semi-load valued at \$600 in 2018 recycling markets.<sup>1</sup>
  - Densified EPS is approximately 40,000 lbs/semi-load valued at \$8,000 in 2018 recycling markets.<sup>1</sup>
- Can you verify that this amount of material replaced applications previously using expanded polystyrene?
- Or, did Vericool® take some other action that can validate this claim?

"Vericool® Shifting Market with 100% Compostable/Recyclable Thermal Styrofoam Cooler Replacements" video

- Vericool® representative states European countries, Brazil and Mexico plan to eliminate EPS.
- Do you have copies of any draft legislation to this effect?

Contradictory EPS Inaccuracies

- "Vericool® Shifting Market with 100% Compostable/Recyclable Thermal Styrofoam Cooler Replacements," (May 2017) states U.S. EPS production is 1.9 million pounds.
- Vericool® Medical Cold Shipper - The 1st insulated packaging that is 100% recyclable and compostable," (September 2017) says U.S. EPS production is 2 million pounds.
- In reality, the amount of expanded polystyrene foam used to make transport packaging, such as cold chain shipping containers, was less than 170,000 pounds in 2015 and 2016.<sup>2</sup>

Vericool® portrays a deep caring for the environment and for human health. However, this is primarily characterized through misrepresentations of competing products which seriously undermines any guise of genuine concern. If Vericool possesses significant environmental benefits, why isn't that the focus of your marketing campaign? If Vericool® success hinges on the premise that EPS is a bad product – based largely on misinformation and hyperbole – EPS-IA suggests you may want to reexamine your ethics practices, advertising regulatory compliance and good faith customer relations policies.

| Vericool Disparagement  | Facts  |
|---|--|
| <p>“In the U.S., millions upon millions of tons of toxic expanded polystyrene (EPS) foam ends up in landfills and waterways each year—harming humans, wildlife and their ecosystems, and costing society \$7 billion annually.”</p> | <p>The \$7 billion Vericool® cites appears to be gleaned from an experiential learning project (MGT 6006-02: Strategy &amp; Practice) offered by Saint Louis University. In short, this is a student report for a college class assignment that is based on the preposterous assumption that EPS consumes 30% of all landfill space; 18% of all marine debris and 18% of highway litter. According to the U.S. EPA, all polystyrene foam accounts for less than 1% of the municipal solid waste stream, both by weight and volume. In a literature review of nineteen (19) litter surveys by <a href="#">Environmental Resources Planning, LLC</a> polystyrene foam comprises 1.5% of U.S. litter.</p>   |
| <p>“22 states do not have [EPS] recycling locations”</p>  | <p>As verified by <a href="#">More Recycling</a>, 40 states have physical polystyrene recycling locations. All states have access to a nationwide EPS mail-back program. This program is acknowledged by the FTC to qualify EPS to make a recyclability claim.</p>   |
| <p>“Compounds used in EPS foam’s production – benzene &amp; styrene – have been identified as harmful”</p>  | <p>This is an irresponsible and alarmist statement with no context for risk versus exposure. First and foremost, EPS is approved for food contact by the US FDA. Further, under California Specification 01350, the allowable benzene concentration (CAS No. 71-43-1) is 30 µg/m<sup>3</sup>. Currently, there are 22 EPS products with Green Guard certification demonstrating acceptable levels of benzene based on Cal Spec 01350. Even under NIOSH, Department of Health &amp; Human Services CDC, air sampling of an EPS manufacturing facility (HETA#2005-0243-3016) determined styrene was below applicable occupational exposure limits at 0.04-0.32 ppm.</p> <p>Additional information, including published statements to this effect from <a href="#">Dr. Linda Birnbaum, Director of the National Institute of Environmental Health Sciences</a>, are available to ascertain styrene and benzene are not pervasive chemical compounds found in expanded polystyrene foam.</p> |
| <p>“Research studies have found that all humans have trace amounts of styrene in their fat tissue”</p>  | <p>What exactly is the significance of this statement? It is well documented that styrene is a naturally occurring chemical found in many food items including coffee, strawberries, and cinnamon. The effects of exposure to any hazardous substance depend on the dose, the duration, how you are exposed, personal traits and habits, and whether other chemicals are present. The <a href="#">Agency for Toxic Substances &amp; Disease Registry</a></p>   |

|   |  |
|---|--|
|   | <a href="#">Public Health Statement for Styrene</a> lists styrene manufacture, automobile exhaust, cigarette smoke and photocopiers as primary sources of styrene release into the air.  |
| “Vericooler® III... significantly reduces landfill waste for about the same cost as using toxic EPS foam” | Is the intended message that if Vericooler® replaced EPS that landfill waste would be reduced because the packaging would be recycled instead? Can you verify how much Vericooler® product gets recycled or composted each year? The EPS industry has maintained recycling rate statistics since 1991, with a total of 118.7 million pounds (53.9K metric tonnes) recycled in 2016; <a href="#">Take A Look at EPS Recycling</a> .   |
| “Vericooler® has set a goal to annually prevent 360,000 metric tons of EPS foam pollution”                | In a report prepared by Vault Consulting, LLC for the <a href="#">American Chemistry Council</a> , total domestic production for expandable polystyrene raw material for <i>all product applications</i> – not just coolers – is ~75,090 metric tonnes. <a href="#">Freedonia Market Research</a> reports that in 2015 <b>all foam plastics used in protective packaging</b> were 307,989 metric tonnes; this includes EPP, EPU, etc. This overstated goal is invalid because there are not 360,000 metric tonnes of EPS coolers to replace. |

It is unlikely your strategy to increase Vericooler® sales based on lies about competitive products will serve you well. These repeated efforts to willfully disparage EPS are in violation of both the U.S. Federal Trade Commission’s Truth in Advertising laws and Environmental Marketing Guides.

This serves as a formal request that Vericooler® cease and desist the above referenced claims and any other claims regarding expanded polystyrene (EPS) foam that cannot be substantiated by verifiable scientific data provided by credible, unbiased sources or that are accurately annotated to qualify and/or quantify the parameters of the claim being made.

We would appreciate your prompt reply no later than February 5, 2018.

Sincerely,

EPS Industry Alliance



Betsy Bowers  
Executive Director

cc: Janice Frankle, General Attorney  
FTC Bureau of Consumer Protection

Xavier Becerra, California Attorney General  
State of California Department of Justice

TigerFrog Scientific

Osso Good Bone Broth

Raw Living Spirulina

Habit Food Personalized, LLC

Achaogen, Inc.

Healthy Goodness, LLC

ButcherBox

<sup>1</sup> Rev. Joseph T. Robinson, CEO, [PPRE-Forevergreen](#)

<sup>2</sup> ACC Plastics Industry Producers’ Statistics Group, as compiled by Vault Consulting, LLC

**Subject:** RE: Request for Continuance - Agenda Item Ordinance to Regulate the Use of Expanded Polystyrene

**From:** Bill Worrell

**Sent:** Thursday, January 18, 2018 11:04 AM

**Subject:** RE: Request for Continuance - Agenda Item Ordinance to Regulate the Use of Expanded Polystyrene

Thank you for the opportunity to provide some feedback regarding Mr. Reiter's letter.

Mr. Reiter in the January 17, 2018 letter refers to an "internal report" conducted by the City of San Diego titled Expanded Polystyrene Food Container Recycling Study. After conducting the report, "the City of San Diego decided against a ban." The letter goes on to state, "We recommend the Grover Beach City Council benefit from the extensive research and conclusions drawn by the City of San Diego before adopting a polystyrene ban in your community."

I reviewed the City of San Diego "internal report" and found the following:

1. The "internal report" referenced by Mr. Reiter was actually prepared by HFH Consultants under contract to the City of San Diego. HFH Consultants is highly regarded throughout California for their solid waste expertise and I have known the principal author of the report, Bob Hilton, for over 10 years.

2. Mr. Reiter's statement about "extensive research and conclusions drawn by the City of San Diego" are HFH Consultants research and conclusions that are presented in the report. The City of San Diego staff report on this item included the following.

**DESCRIPTIVE SUMMARY OF ITEM:**

This is an informational item to present the findings of an Expanded Polystyrene (EPS) food service container study regarding the benefits and concerns of adding EPS food service containers to the City's residential curbside recycling program.

**STAFF RECOMMENDATION:**

This is an information item only. No action is required by the Committee or Council.

3. Mr. Reiter recommended that the Grover Beach City Council would benefit from the extensive research and conclusions in the report. The research includes:

- EPS food service containers are operationally challenging and costly to recover through single stream recycling programs.
- EPS does not degrade in landfills, nor in the environment
- EPS is harmful to the environment and wildlife when littered.

Finally, the conclusion of the study is "that the City of San Diego not accept EPS food containers through the residential curbside recycling program."

4. Mr. Reiter states that after conducting the study, the City of San Diego decided against a ban. However, the HFH Consultants Report states, "It should be noted that it is not the intent of this report to provide an opinion on whether or not the City of San Diego should enact such a ban." This study addressed the issue of adding EPS food containers to the residential curbside recycling program, not the issue of banning EPS.

While Mr. Reiter recommends that "the Grover Beach City Council benefit from the extensive research and conclusions drawn by the City of San Diego before adopting a polystyrene ban in your community". The only conclusion was not to add EPS food containers to the residential curbside recycling program. The research and findings provide essentially

no new information. Finally, this report did not address the issue of banning EPS food container, rather it addressed the issue of adding the item to curbside recycling. Thus, it is difficult to envision how Grover Beach City Council would benefit from reviewing this study before taking action on the ordinance.

Bill Worrell  
San Luis Obispo County  
Integrated Waste Management Authority  
870 Osos Street  
San Luis Obispo, CA 93401  
805-782-8530

*Citius, Altius, Fortius*, Pierre de Coubertin, 1894.