

APR 4 2008



Styrophobia.com
a natural way to go...

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April 4, 2008

Re: Testimony before the: SENATE COMMITTEES ON ENERGY & ENVIRONMENT / TOURISM & GOVERNMENT OPERATIONS Thursday, April 1, 2008 – 2:45 P.M. – State Capitol Room 414

Support for SCR 142 and 146 Requesting state departments and agencies to voluntarily utilize biodegradable or recyclable non-polystyrene foam food service-ware.

Att: ENE Chair Menor, Vice-Chair Hooser, TSG Chair Nishihara, EDT Chair Fukunaga, and Members of the Committees:

In reference to the above hearing and questions posed specific to the WHEREAS clauses in each resolution, please find enclosed supporting documentation. Specifically, the enclosed documents address the two concerns presented in questions to me at the hearing: 1. Addressing whether polystyrene food service ware can be practically recycled and 2. Addressing whether commercial composting can be implemented to effectively support landfill diversion.

The enclosed documents are arranged in sections 1-4 to support both topics through several areas and each reference is highlighted in yellow as applicable to the subject.

Cover: Summary of points addressed in resolutions and supported herein

Section:

A. Polystyrene recycling references

B. Commercial composting

C. Supporting references to the above in existing legislation in US Cities and proposed legislation in the State of New York and the State of California.

Thank you for this opportunity to clarify these important points. Should you require any additional information, please contact me by email at mike@styrophobia.com or my cell 781-3000.

Mahalo,

Mike Elhoff

Encl.

Summary

Summary of Supporting Documents – SCR 142 and 146

Section A: Polystyrene Food Service Ware (PFSW) Recycling

The resolutions state "WHEREAS, due to the inherent nonbiodegradable nonrecyclable nature and chemical composition of expanded polystyrene foam..."

Six key references are cited, dating from 1990 to 2007.

Of particular interest is the American Chemistry Council (ACC) 2007 publication, where they specifically state in two publications how unsuccessful recycling of polystyrene food service ware has been and will continue to be. Yet, as recent as last month, Monterey County Weekly publication 2/2008 quotes ACC spokesman Mike Levy as saying "Contrary to popular belief, it is recyclable..." and "One such misperception is that polystyrene is not recyclable" The County waste district spokesman corrects him "...no meaningful recycling of polystyrene is happening in California" Further, "Local curbside recycling programs do not accept polystyrene, and the district hasn't found a recycler interested..."

You can see that going back to 1990, the plastics industry has tried to portray the recyclability, yet they confirm right on their website that it is not and will not be done. That is the same as saying chewing gum is recyclable – it probably is, but who is going to do it? The problem is exacerbated by the increased transportation of the material out of Hawaii.

In section C you will find several references in existing legislation stating that the material is not recyclable.

Section B: Commercial Composting – Landfill Diversion

Hawaii has commercial composting facilities on Oahu, Kauai, and Maui, with plans to build on the Big Island. These facilities currently process green waste and pre-consumer food waste. The Oahu facility, Hawaiian Earth Products, has submitted pertinent testimony and we enclose for your reference. It should be noted that this company currently operates in Washington a complete green AND post-consumer food waste facility and has plans to expand this capability in Hawaii soon. With the arrival of a food waste composting facility, as per the testimony, by going away from polystyrene and plastic to compostable food service ware, the compost facility greatly benefits. In addition, the collection and control of contaminating plastics is made much easier by using compostables at the source – school trays, utensils, cups and bags.

You will note that in all of the discussion from the opposition to these resolutions, they focus on that nothing will biodegrade in a landfill. They do not acknowledge that with the arrival of food waste composting on-island, the compostable alternatives proposed in this resolution will biodegrade and the plastic products will not. All I had to do was ask Hawaiian Earth Products and the plastics industry apparently did not pursue this very important option. It is estimated that landfills comprise up to 50% compostable materials and the food waste is very beneficial to the composting process.

In addition, you will find supporting documents as to the compostability of these products and again in Section C, reference to composting of these products in the existing legislation form around the country. From San Francisco's ban: "WHEREAS, Styrofoam...food service ware products cannot be recycled or composted in San Francisco's current programs, and are an impediment for diverting food service waste from landfill"

Section C: Reference Existing Legislation

A

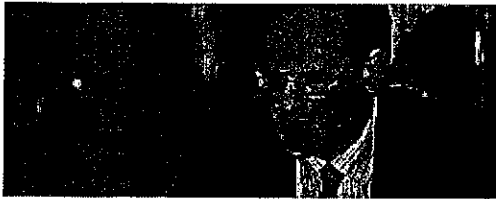
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Foam Wars

Plastics lobby tries to roll back wave to ban polystyrene.

Posted February 21, 2008

By Kera Abraham



Mike Levy of the American Chemistry Council's Plastics Foodservice Packaging Group tells the Chamber that banning polystyrene is a flawed solution.

It's energy-efficient, cheap and more environmentally friendly than most people realize. Heck, you might even call it sustainable.

Contrary to popular belief, it *is* recyclable – and the claims that it poses a human health risk are unsubstantiated. If it ends up on streets, beaches and in the guts of wild animals, blame litterbugs, not the product.

So argues Mike Levy, director of the American Chemistry Council's Plastics Foodservice Packaging Group, in a well-timed effort to counteract momentum for a regional ban on polystyrene, better known as Styrofoam. The ACC has retained PR-heavyweight Armanasco Public Relations, Inc. to make its case locally, and Levy himself addressed the Monterey Peninsula Chamber of Commerce on Feb. 13. Two days later, Monterey Regional Waste Management District's Litter Abatement Task Force presented the district's board with a draft polystyrene ban.

The ban's supporters, including a half-dozen environmental groups, say the ubiquitous plastic foam litters land and sea, swells landfills, leaches toxic chemicals and harms animals that mistake it for food. The cities of Capitola, Santa Cruz and Santa Monica have banned take-out polystyrene packaging, and Santa Cruz County is scheduled to consider a similar ordinance in March. As the ban's supporters focus on Monterey County, so does the plastics lobby.

The waste district's draft ordinance would require food providers, government facilities and their contractors to replace single-use polystyrene products with biodegradable, compostable or recyclable alternatives. Public works directors could grant one-year exemptions, and businesses could charge a "take-out fee" to cover the difference in cost.

But the plastics industry isn't ready to lose its business in polystyrene or plastic bags, another material local officials have talked about banning. (A state law requires large grocery stores and pharmacies to sell reusable bags, and accept plastic bags for recycling.) California restaurants spent about \$210 million on plastic packaging in 2005, Levy says.

And so Levy traveled to California from Arlington, Va., to promote the ACC's \$2.5 million contribution to statewide anti-litter and polystyrene recycling campaigns in 2008 – and lobby against potential plastic bans. "We're not against degradables and we're not against compost," he told the Monterey Peninsula Chamber of Commerce.

"We're against being singled out and the misconceptions."

One such misconception, Levy says, is that polystyrene is not recyclable. "There's a perception that you can't recycle it, and that's absolutely false," he says. "Like all plastics, it's a matter of getting the volume."

Waste district spokesman Jeff Lindenthal isn't so sure. "We kinda default to the California Integrated Waste Management Board's statement that no meaningful recycling of polystyrene is happening in California," he says. Local curbside recycling programs do not accept polystyrene, he says, and the district hasn't found a recycler interested in buying Monterey County's polystyrene waste.

Levy is appealing to the local business community to oppose the proposed ban. Restaurant owners would pay more for biodegradable food packaging, a cost he says the waste district hasn't fully considered. "They haven't requested a lot of input from the business folks at all," he says.

Lindenthal counters that, after analyzing other cities' polystyrene bans and crafting one appropriate to the region, the litter task force is now reaching out to local restauranteurs. "We had the California Restaurant Association person sitting at the table with us as we worked through these ordinances," he says. "We were concerned about making sure we did hear from the business community."

He also questions the ACC's suggestion that all litter is created equal. Plastics stick around forever, he notes, while paper-based products biodegrade. "We've been looking at the results of local beach cleanups," he says. "By volume, polystyrene is the biggest thing that's being picked up."

Carolyn Swanson of local biodegradable packaging distributor Passion Purveyors estimates that green food packaging costs 3 to 12 cents more per unit than petroleum-based plastic. But she hopes local restaurant owners will also consider the costs of litter and ocean pollution. "The defense of 'well, it's cheaper' really isn't true in the long run," she says.

Adam Joseph contributed to this story.

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Polystyrene Recycling - Long-Term Market Trends

Analyzing long-term recycling trends for post-consumer polystyrene and other post-consumer disposable food service packaging since the early 1990s, the data show a clear evolution of the polystyrene recycling industry towards the recycling of non-food service polystyrene materials. The recycling of expanded polystyrene (EPS) protective packaging and non-packaging polystyrene materials, (such as insulation board, audio/visual cassettes, and agricultural nursery trays/containers) has increased dramatically during this time period, and there has been a decrease in the amount of polystyrene food service packaging recycling during this period.

Today we continue to see growth in post-consumer polystyrene recycling in applications that have favorable recycling economics, such as protective packaging and non-packaging non-durables. These applications are less contaminated with food and other wastes than food service products are and therefore are more cost-effective to recycle. Currently, post-consumer food service polystyrene packaging is not recycled in a significant way. It is important to note that because of unfavorable economics, no other post-consumer food service disposable material is recycled in a measurable way.

The polystyrene industry has taken its investment in advancing polystyrene recycling very seriously. The National Polystyrene Recycling Company was created in the early 1990's to establish the viability of post-consumer recycling for a wide range of polystyrene applications. The industry invested approximately \$85 million dollars, a majority of which were capital costs used to get the operations established. This spurred the current network of polystyrene recyclers, who today recycle approximately 50 million pounds of post-consumer polystyrene each year. This investment in polystyrene recycling, including food service applications, is very significant, given the near absence of paperboard food service recycling over the same time period. Unfortunately, time and experience have shown that the infrastructure needed to collect polystyrene and sell recovered material is not sustainable in all markets.

Polystyrene products remain very popular with consumers. All polystyrene packaging markets continue to grow, with more than 1.4 billion pounds sold in 1999, representing 22% of the total polystyrene market. Polystyrene food service products are an attractive choice because of their excellent insulation properties, their low cost compared to other disposable materials and reusables, their lower overall life cycle energy and environmental impacts, and their protection of public health and sanitation. However, the properties of polystyrene that make it an excellent packaging material -- its light weight, energy efficiency, strength and product performance -- work against the economics of recycling this material.

What is often lost in examining polystyrene's impact on the environment, particularly solid waste disposal, is that all polystyrene packaging comprises less than one percent by weight of the total municipal solid waste disposed in U.S. landfills. Moreover, the polystyrene (and plastics) industry has achieved significant landfill reduction through a combination of up-front actions - including source reduction and reuse. Recycling is only one of several ways to manage solid waste effectively. It is not the only answer for all environmental dilemmas.

The impact of these up-front activities is dramatic. More than 2.9 billion pounds of polystyrene packaging and disposables have been eliminated from the solid waste stream since 1974 through source reduction, product redesign and reuse.

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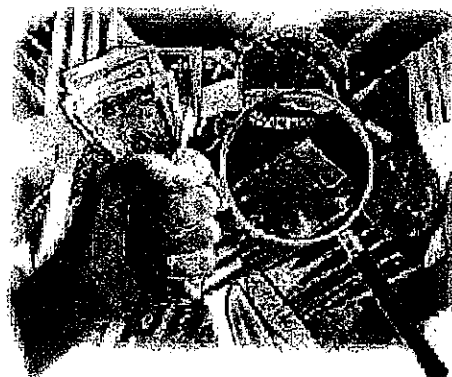
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Economic Realities of Recycling

By Raymond J. Ehrlich

The PFBG often answers questions from individuals and organizations who are frustrated that they "cannot recycle their food service polystyrene material." The following information helps to explain the economic issues associated with food service polystyrene recycling to increase understanding, and resolve some of the frustration many are feeling.



As the 21st Century begins, the desire of many of us to protect and preserve our environment is stronger than ever. Recycling is one generally easy and convenient way each of us can help. Recycling continues to be an important issue for the polystyrene industry, as well. However, the economic realities of recycling must not be overlooked and recycling should not be viewed as the sole answer when addressing environmental issues.

When recycling is seen as the only way to protect and preserve our environment, we are ignoring many other factors that impact our surroundings. Recycling is just one aspect of a very complex and inter-related issue. In addition to recycling, other issues that combine to directly affect our environment include: natural resource use, pollution generation, energy use, waste generation, waste reduction, reuse, and ultimately waste disposal.

While recycling is viewed by much of the public as primarily a social issue, few people outside the recycling and solid waste management field have examined recycling from an economic perspective. Much of the attention afforded recycling has focused on its *perceived* value. However, for recycling, or any environmental management alternative to be successful, it must be cost effective. As Sarah Halsted said in the October 27, 1997, issue of Waste Age's Recycling Times, "The relationship between environmental goodwill and sustainability versus market and economic reality puts ... recycling programs in a sometimes uneasy position."

The general economic realities of recycling are true not only for polystyrene, but also for all commonly recycled materials: paper, cardboard, glass, aluminum, metal and textiles. Recycling must be economically viable when compared to other methods of waste management and resource conservation.

Polystyrene Food Service Recycling -- A Very Brief History

Around 1988, pressure was put on the polystyrene industry to recycle the most highly visible polystyrene products -- food service containers -- even though all polystyrene packaging products represent *one percent* by weight of the total municipal solid waste disposed in U.S. landfills. There was significant public pressure to recycle and/or restrict the sale of food service polystyrene, despite the fact that alternative food packaging (paperboard, flexible packaging, aluminum wraps) were not held to the same standard. At that time, eight polystyrene resin supplier companies invested millions of dollars to build a nationwide infrastructure to provide for polystyrene recycling. The National Polystyrene Recycling Company (NPRC), intended to be a catalyst to spur increased polystyrene recycling, initially had five plants on line to recycle post-consumer polystyrene.

How successful has food service polystyrene recycling been from an economic viewpoint? Not very. This was due to several reasons, many of which the industry discussed in the late 1980s. Mainly, the

properties of polystyrene that make it an excellent packaging material, e.g., its light weight, energy efficiency, strength and product performance, worked against the mechanics of recycling this material. Just like in the distribution system for polystyrene food service products, transportation distances play a key role. The economics of hauling polystyrene long distances (to the nearest available recycling plant) were not always favorable. The industry learned that polystyrene has to be densified or baled to get a sufficiently concentrated volume to make transportation over long distances cost-effective. Also, food service products of all materials -- paper, metal, plastic, and polystyrene -- are generally highly contaminated, and require cleaning before they can be processed for recycling, which can add significant costs.

Despite these issues, at this time generally transport/protective packaging and non-packaging non-durable polystyrene materials (e.g., audio/video cassettes, CD jewel cases, insulation board, etc.) can still be recycled where programs exist. In 2001, over 25 million pounds of polystyrene transport/protective packaging and almost 30 million pounds of non-packaging non-durable polystyrene materials were recycled. In about 10 years, total polystyrene recycled essentially grew from zero pounds per year to approximately 50 million pounds per year. This is quite an achievement when viewed in comparison to the more traditionally recycled commodities (paper, metals, and textiles) that have been recycled for many, many decades.

Recycling Economics

Economics is a major factor in determining the success or failure of recycling for all materials -- not just for polystyrene. Recycling actually occurs when, and only when, recyclable materials that have been collected, sorted, processed, and remanufactured into new products are purchased by consumers. Recyclable materials separated from garbage should not be viewed as waste, but as a raw material or feedstock for industries to use in making new products. The ultimate success of recycling depends on stable, reliable markets for these materials. Without markets to purchase the collected and separated recyclables, recycling does not happen, with the unfortunate result that these materials often must be disposed of in landfills or waste-to-energy plants.

One of the most basic principles of economics is the principle of supply and demand. Stated simply, when the demand for a particular good or service is greater than the supply, the price that sellers can charge for that good or service increases. Conversely, when the supply of a particular good or service is greater than the demand, the price that sellers can charge decreases. So, what does this have to do with recycling? *Everything*. This principle describes exactly the situation with recyclables in general and polystyrene specifically. End-use markets are entities that purchase recycled as well as virgin materials from a number of sources and use these materials as feedstock to manufacture new products. Recyclable materials, therefore, compete for markets with virgin supplies of the same material. The opportunities for markets to use recycled material are often actually fewer than those for virgin material, due in part to lower performance characteristics of the recycled material because of contamination.

Recycling, then, depends on the existence of markets for the recovered materials. When a viable market for recycled material exists, the price paid, or the fee charged, for the material is generally at a level that will cover the costs to collect, process, and ship the material.

Polystyrene Recycling -- What's Next?

What does the current state of markets mean for polystyrene recycling? Simply, it means that recycling food service polystyrene does not make economic sense at this time. This does not mean that they are "environmentally bad" products and should not be used. The success of paperboard recycling, for example, does not rest with its food service applications, but with corrugated cardboard and high-grade office papers.

So, what are the options to recycling polystyrene? The options are the same for polystyrene that they are for other materials - recycle those polystyrene products that make economic sense. For example, polystyrene packaging, polystyrene audio and video cassettes, CD jewel cases, and insulation board are being successfully recycled.

Today, the polystyrene industry remains at a crossroads with respect to food service recycling. The economics

of recycling and waste disposal have changed since the late 1980s. Contrary to public perception, there is plenty of inexpensive landfill capacity available, significantly reducing the cost of disposal in some areas of the country. Also, public and private institutions that use low cost polystyrene products are often on tight budgets, and have to make the choice of the most cost-effective option between recycling or disposal.

Observations

In the future, we will continue to see an absence of polystyrene food service recycling programs, because in business, economics rule over emotion. Recycling companies, like any other business, must make a profit to survive. If there is not enough market demand for recycled polystyrene material, fewer recyclers will continue to handle polystyrene.

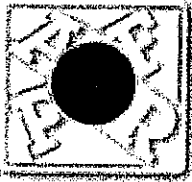
So, what should the polystyrene industry do? It should promote accurate information about polystyrene with regard to the product performance and environmental aspects of polystyrene packaging. Food service polystyrene products are safe, sanitary, energy-conserving, FDA-regulated disposable products. In addition, we should not forget why people purchase polystyrene food service products in the first place: they do the job. They are efficient, low-cost, and are safe in the environment. Should polystyrene food service packaging be recycled only when it makes economic sense? The balance between recycling as an ethic and recycling purely as an economic issue is one in which we all have varying opinions.

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EPS EXPO



EPS Recycling

Expanded Polystyrene (EPS) Packaging Recycling Collection Sites



Expanded polystyrene (EPS) foam packaging is an excellent material for recycling. Post-consumer EPS is currently being recycled at a rate of approximately 10-12% each year. In 1991, AFPR assisted in developing an infrastructure to help facilitate the collection and recycling of EPS packaging. This has been achieved through the participation and commitment of AFPR members, the North American shape molders who produce expanded polystyrene transport packaging.

Working primarily with their customers and other commercial waste generators in their region, AFPR members are able to sustain economically viable recycling processes through the development of consistent and reliable sources of post-consumer and post-industrial EPS waste. These efforts are typically focused on collection streams from within a 100-200 mile radius. Although there are numerous end-use markets, the majority of EPS collected for recycling is used in making new EPS foam packaging or repelletized and then remanufactured into rigid, durable products such as plastic lumber and trim.

Due to challenging transportation logistics and high contamination rates there are a limited number of community based collection sites. In response, AFPR has created a unique mail-back option that allows virtually anyone access to EPS recycling when dealing with smaller quantities of foam packaging. Since expanded polystyrene is extremely light weight - made up of 98% air - it can be economically shipped to a centralized location. Considering that the average car gets approximately 30 miles per gallon (mpg) at \$2.70 to \$3.75 per gallon, the postage cost to return EPS for recycling can be viewed as an economical choice depending on the distance covered to reach the closest community drop-off location if they were to accept EPS.

EPS Recycling Locations

EPS Recycling Drop-Off Locations

Recycling programs for EPS packaging may not exist in your area.

Click [here](#) to download .PDF file.

The majority of EPS recycling locations are intended to serve as outlets for expanded polystyrene packaging ONLY. Each EPS collection site has distinct criteria regarding the types of material they can accept. To make sure you have a successful EPS recycling experience, we recommend the following:

1. Once you have identified the closest collection site, call them to verify drop-off times and check to see what types of polystyrene material they accept.
2. Make sure your EPS is clean and free of any plastic film, loose parts or glued-on cardboard.
3. Check to see if they accept other recyclables to streamline your recycling efforts.

EPS National Mail-Back Option

If there is no EPS recycling in your community please send it via U.S. Postal Service or other carrier to the address below. Average shipping fees range from \$1.50-\$9.00 based on the total packaging weight. To maximize your EOS recycling efforts via the mail-back option we recommend the following:

1. Make sure the EPS is clean and free of any plastic film, loose parts or glued-on cardboard.
2. To increase the amount of EPS in each shipping container, it can be easily broken or cut into smaller pieces so that more foam can fit in individual boxes. AFPR will also recycle the corrugated boxes used to ship the EPS.
3. When shipping EPS biomedical coolers simply tape the top and bottom pieces together with shipping tape and apply the label and postage directly to the EPS. An outer, corrugated box is not necessary.
4. AFPR does not accept extruded polystyrene (XPS) foam including meat trays, cups, egg cartons or other disposable foodservice items for recycling.
5. Prepare shipping label and affix postage for delivery to:

Alliance of Foam Packaging Recyclers
1298 Cronson Boulevard, Suite 201
Crofton, MD 21114 USA

6. To facilitate shipping from home, the United States Postal Service (USPS) provides numerous options for printing labels and /or postage using online resources. This convenience also allows you to have the shipment picked up by our local USPS carrier as outbound mail.

EPS can be identified by the number 6 plastic resin identification code. Many types of foam plastic are not clearly marked; if you have questions please contact AFPR at 410.451.8340 for clarification. For information on #6 Arcel foam recycling please call AFPR at 410-451-8340. To obtain information about other recycling opportunities, including foodservice, rigid durable goods and other plastics, please check the [U.S. & Canadian Recycled Plastic Markets Database](#). For loose fill "peanut" recycling please visit the [Plastic Loose Fill Council](#) or call the Peanut Hotline at 800.828.2214.

The information contained herein is subject to change and is provided without any express or implied warranty as to its truthfulness or accuracy. The Alliance of Foam Packaging Recyclers does not endorse the products or processes of any individual manufacturer or recycler.

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Polystyrene recycling: big money, big implications

by Tom Watson
Resource Recycling

SEPTEMBER 1990

In a bold attempt to show that post-consumer polystyrene plastic recycling can work, plastics producers have begun to pour millions of dollars into processing facilities, collection programs and research. This concentrated effort to showcase a new type of recycling will be a financial boon for many recycling companies and consultants around the country.

But the motives of the polystyrene producers for pushing recycling have raised concerns among some environmental activists. Plastics industry officials acknowledge that the main goal behind the recycling blitz is to head off government regulation such as the local polystyrene product bans that have been approved already in a few areas. By promoting recycling, the companies are only protecting their market share, say the activists, who believe the best strategy environmentally would be to reduce packaging.

Another concern is that the new projects — the plastics industry expects to have six major polystyrene recycling plants in operation by October 1990 — could lead to false expectations about this type of recycling. After all, no firm evidence yet exists that polystyrene recycling can support itself. High collection costs are the back-breaker for post-consumer polystyrene recycling, but the plastics companies will worry about that later. Right now they want pictures of recycling operations they can show at public hearings on polystyrene bans.

The artificial support of plastics industry subsidies could be the greatest underlying problem with polystyrene recycling. But it could also be its biggest advantage. Along with buckets of money, polystyrene producers are supplying some talented people from their own ranks. Obviously, this kind of support can result in breakthroughs much faster than the traditional shoestring-and-a-prayer method by which

many types of recycling have developed. The plastics industry's recycling campaign also serves as an example to other manufacturers to take at least some responsibility for the disposal of their products. It is particularly significant that many of the recently announced projects target the polystyrene waste from "fast food" packaging. Jeanne Wirka, who has done extensive research on plastics and solid waste issues for the Washington, D.C.-based Environmental Action Foundation, believes the polystyrene recycling drive could put pressure on other manufacturers of fast food ware — the makers of paper cups coated with plastic, for example — to work on the recyclability of their products.

A nationwide system

Although several polystyrene recycling projects for processing and collection have been introduced since the first of the year, the most significant news came in early summer. Eight polystyrene manufacturers announced they would contribute \$2 million each to form the National Polystyrene Recycling Co. and establish five polystyrene recycling plants.

The first of these plants will be the Plastics Again facility (profiled in an accompanying story in this issue) in Leominster, Massachusetts. A joint venture of Mobil Chemical Co. and Genpak Corp., the Plastics Again plant has conducted a number of trial runs and began commercial operation this summer. Mobil and Genpak have agreed to sell the plant to the NPRC at cost.

Plastics Again will be used as the basic model for four more plants to be opened in the Southeast, upper Midwest, Southwest and on the West Coast, says Ken Harman, chairman of the board of directors for the NPRC. Harman's other job, which he will keep, is business director for styrene plastics for Dow Chemical USA, one of the eight NPRC companies.

a result, there is a general consensus to expand programs through greater outreach and increased convenience. If your community hasn't been filled with the spirit of yuletide mulch, perhaps now is the time to begin. **RR**

Polystyrene recycling

(continued from page 25)

happens to be the most prominent example of the high-powered effort the plastics industry is assembling. After leaving the top EPA post last January when the Reagan administration ended, Thomas promptly was named chairman and chief executive officer for Law Environmental, Inc., of Atlanta, an engineering and consulting firm that works on incinerator and hazardous waste projects, among others. NPRC has given Law Environmental the lucrative job of developing, siting and supervising construction of the new plants, as well as setting up collection systems for the polystyrene materials.

Jim Browne, an engineer for Law Environmental who is managing the NPRC work, says his company is "very actively working" at possible sites for the plants. He says factors to be taken into consideration in choosing sites would include the availability and quality of local recycling collection operations, the local permitting process, and the possibility of public opposition (because of the location in a certain neighborhood, for example).

The participation of local recycling collectors will be critical to the success of the new plants, Harman emphasizes.

Harman says the ratio of feedstock at the four new plants will probably be about 75 percent post-consumer food service ware to 25 percent post-industrial scrap. Some post-commercial packaging materials might also be included, he says. At the beginning, the percentage of post-industrial materials may be greater, he adds.

The food service ware to be recycled will include polystyrene foam items, such as cups and clamshells used for sandwiches at fast food restaurants. (Polystyrene foam is often called Styrofoam, but that is a Dow trade name for a product not used by fast food outlets.) It will also consist of non-foam items such as food cans and clear plastic food containers, which are polystyrene but made by a different process. These two types of poly-

styrene can be processed together. Plastics industry officials say an active market exists for the reprocessed polystyrene.

NPRC will not operate the five recycling plants itself, Harman notes. He says several major plastics and paper companies have expressed interest in operating the facilities, including Dart Container, Genpak, Fort Howard, James River and Scott.

Each plant will process post-consumer polystyrene collected from a radius of several hundred miles. Harman says collection networks will most likely include satellite handling operations and densification plants. Existing materials recovery facilities may also be used as links in the system. Collection efforts will focus on large-volume sources, such as schools, hospitals and restaurants, Harman says.

The Amoco experience

Another polystyrene recycling plant — financed by a plastics company but not directly associated with the NPRC — began operation in April. Located in Brooklyn, New York, the 10,000-square-foot plant is operated by Polystyrene Recycling, Inc., a subsidiary of Amoco Foam Products of Atlanta.

The PRI plant was designed with a different mission in mind than that of Plastics Again in Massachusetts. Mobil and Genpak went with source-separated feedstock from the start at Plastics Again, Amoco's idea was to handle mixed waste from McDonald's restaurants, schools and area businesses, separate the polystyrene and reprocess it.

But it only took a few months to determine that there was no way this type of polystyrene recovery could be done economically, says Robert Russell, who serves as president of PRI, in addition to his position as director of issues management for Amoco Foam Products. ...

From now on, all new feedstock added at the PRI plant will be source-separated polystyrene materials. Russell says the long-range goal is to delete the mixed waste entirely.

Under the mixed waste sorting operation, incoming materials each work day consisted of about 6,000 pounds of mixed waste, mostly from McDonald's restaurants, and 1,900 pounds of source-separated polystyrene, mostly from area schools. Polystyrene makes up less than 10 percent of the McDonald's trash received, says Russell.

Plant production from this material was at 2,500 pounds per day of polystyrene flakes (for a six-hour production day), says Russell. The plant's production goal is 1,000 pounds of flakes per hour. With

the percentage of source-separated materials increasing, Russell believes the plant can be profitable by this winter.

However, much of the existing equipment will be unnecessary if the plant eliminates mixed waste as a feedstock. Currently, the mixed waste is shredded, screened and air-sorted. Pieces of polystyrene and paper are then pulped together. Finally, the two materials are separated with screen washing, and the pieces of polystyrene are dried. The remaining paper and other wastes are made into refuse-derived fuel pellets, Russell says, but no market has yet been found for these.

Source-separated polystyrene presently is added to the process just before the pulping stage, according to Russell.

He says he would eventually like to add a new line at the plant to handle molded foam blocks made of expanded polystyrene, which are commonly used in packaging appliances and electronics equipment. However, he notes this material sometimes has been treated with an anti-static additive. Because of possible contamination from that chemical, this type of polystyrene would not be used to make new products that might have even an indirect contact with food, such as food service trays.

Russell says Amoco Foam may eventually sell the plant. He adds that it could conceivably link up with the NPRC. Amoco Foam is part of Amoco Chemical, an NPRC member.

Some of the reprocessed resins produced by PRI are used to make insulation products at the Amoco Foam plant in Winchester, Virginia. Another promising user of recycled polystyrene is Rubbermaid Commercial Products Inc., also of Winchester. Charles Lancelot, manager of materials and process technology for the company, says tests with recycled resins from both Plastics Again and PRI have been encouraging.

But according to a report in the *North Jersey Herald & News*, Rubbermaid materials engineer Len Horst said the company has found problems with the quantity and quality of the recycled resin supplied by the Amoco facility. "There's very little of this great fantastic material available and when it is available, there are problems in the process of reprocessing it," Horst said. "We're waiting . . . to make high-quality products with low-quality material."

Rubbermaid Commercial expects to use an increasing number of recycled plastic resins of various types in the coming years, due to customer demand, Lan-

celot says. For example, New York City has specified a minimum of 10 percent post-consumer resins in plastic containers it will order for curbside recycling.

The company may use recycled polystyrene in food service trays or office accessories, says Lancelot. Rubbermaid would add modifying agents during production to provide the necessary toughness, he adds.

Lancelot says he expects the company's costs to produce products using recycled polystyrene would remain essentially the same as when virgin resins are used. This is the case for recycled plastics of other types already used in production, he observes.

He points out that Rubbermaid does not need to use recycled plastics for public relations purposes, since the company makes only nondisposable products. "We're doing it because our customers want it," Lancelot says. "For us it's good business."

McDonald's recycling

On the other end of the solid waste issue is McDonald's Corp., the nation's most visible user of huge quantities of polystyrene disposables. The Oak Brook, Illinois-based corporation has more than 10,000 affiliated fast food restaurants worldwide, with nearly 8,000 in the U.S.

As McDonald's has faced increasing pressure over its use of polystyrene, the company has begun to experiment with disposal alternatives other than having the waste end up in landfills. For example, McDonald's is testing on-site garbage incinerators at four separate restaurants around the country, says Linda Fontana, the company's media relations manager.

On the recycling front, McDonald's has contributed some of its mixed waste to the PRI recycling plant in Brooklyn. And in Portland, Oregon, McDonald's is conducting its first test to see whether customers will separate their polystyrene disposables from their other trash. Seven Portland-area McDonald's restaurants began the source separation experiment this summer, and more of the company's Oregon restaurants will probably be added. The project has started out well, with active customer participation, Fontana says.

Denton Plastics Inc., a Portland-based processor and broker of various scrap plastics, handles the polystyrene from the McDonald's source-separation pilot program. Company president Dennis Denton says he has standing orders for 50,000 pounds a week of reprocessed polystyrene pellets. He declines to name his mar-

kets, for competitive reasons.

Although some in the recycling industry question the economics of polystyrene collection, Denton is convinced he can make money collecting, processing and marketing the material. In fact, he says he proposed the source separation idea to McDonald's because he needs more sources of used polystyrene. Denton says he has developed systems for collecting, cleaning and processing polystyrene, and he hopes to eventually license other processors around the country to use his techniques.

Some other ideas

Examples of other types of polystyrene collection programs can be found in Akron, Ohio and Atlanta, Georgia. In Akron, wTe Corp. is working with Dow Chemical and the City of Akron on a curbside collection pilot project in which several types of plastics, including polystyrene, are among the materials collected.

Based in Bedford, Massachusetts, wTe operates various recycling, incineration and engineering facilities around the nation. The company also designed and helps operate the equipment that separates polystyrene from mixed waste at the PRI plant in Brooklyn. In Akron, plastics and other materials are being collected with several experimental methods, including "blue boxes" and compartmentalized vehicles. At the materials recovery facility operated by wTe in Akron, equipment will soon be installed that will separate and clean the polystyrene, says Bruce Bond, wTe's director of marketing. Polystyrene items are currently picked out by hand, and will be shipped to the nearest available market, he says.

In Atlanta, Amoco Foam Products helps sponsor a program under which Mindis International, operator of eight buy-back centers in metropolitan Atlanta, pays the public five cents a pound for polystyrene food service items.

But Don Smith, who runs the plastic program for Mindis, reports, "We're getting very little." The company does have a regional area market for polystyrene, which he declines to name.

Smith says he does not think post-consumer polystyrene recycling is currently economically feasible, due to the problems in collecting the lightweight, bulky material. "At this moment, I don't think anybody could make any money without it being subsidized," he says. Smith does have hopes for the future, however, and Mindis personnel will work with local schools to try and set up collection programs this fall.

The critics respond

The surge in polystyrene recycling activity has not appeased environmental activists, who would prefer that the use of polystyrene in packaging be greatly reduced, if not eliminated.

"The real problem with Styrofoam is not at the back end. It's at the front end, when it is manufactured," says Karen Stults, of the Citizen's Clearinghouse for Hazardous Wastes, Inc., in Arlington, Virginia. Stults coordinates the clearinghouse's "McToxics" campaign of demonstrations and actions protesting McDonald's use of polystyrene.

Stults' group argues that the production process for polystyrene results in great harm to the environment. "Recycling isn't going to make that go away," she says. Polystyrene recycling projects "are more an excuse than a solution," she adds.

Jeanne Wirka, of the Environmental Action Foundation, says she is skeptical of both the viability of the newly announced polystyrene recycling projects and the motives of the plastics industry in financing them. She believes the industry's main motive is fear that it would suffer from local ordinances promoting recyclable packaging.

Wirka finds the idea of having separate bins for collecting polystyrene packaging in McDonald's restaurants somewhat ridiculous, since those bins collect packaging "which is the least necessary." Rather than collecting polystyrene clamshells that have a useful life of 30 seconds, Wirka wonders why McDonald's couldn't just sell its sandwiches without the polystyrene when people eat inside the restaurants.

However, when it comes to solid waste issues, Wirka says the companies she trusts the most are not the plastics producers but rather the companies who sell food or products directly to the public, such as McDonald's, Procter & Gamble, and Kraft. Consumers have the ear of such companies, she says, and those firms will eventually respond to consumers' desires.

For their part, plastics industry officials say their industry has tried to be responsible. R. Jerry Johnson, executive director of the Polystyrene Packaging Council Inc. in Washington, D.C., says the industry supports the idea of reduction in packaging. But reduction is not always as easy as it seems, and the use of polystyrene is often the most efficient method of packaging, he adds.

Robert Barrett, general manager of Mobil Chemical's solid waste management solutions group and an NPRC direc-

Recycling efforts of polystyrene questioned

By Lisa Weiss

Staff Writer

Many USC students are making environmentally conscious choices, recycling their bottles and cans and choosing products with less packaging. But when it comes to polystyrene, the convenient material often referred to as Styrofoam, students are unable to recycle because there is no current polystyrene recycling program.

Paul Bunje, president of Student Action for the Environment (SAFE) at USC, said his organization is concerned about the amount of polystyrene used on campus, including cups, plates and take-out boxes.

Campus dining facilities also exchanged plastic trays for disposable polystyrene trays recently.

"It takes less energy and resources to make polystyrene; the problem is getting it all recycled," he said.

Polystyrene and plastics take up a lot of landfill space, and the majority of material breaks down very slowly, said Eric Lamoureaux, a spokesperson for the State Integrated Waste Management Board in Sacramento.

"A landfill is essentially an airtight container with a plastic sheet on the top and bottom, which doesn't allow for the easy decomposition of material," he said.

The Board has conducted landfill studies where it found barely decomposed material that dates back 20 years.

"We know it's that old because of newspapers found near the material," Lamoureaux said.

Bunje, a senior majoring in biology, said his organization is working with Housing Services and Dining Services to research polystyrene recycling. Because of the volume of waste generated, a private contractor would do the recycling.

"Our current contractor has been involved with large-scale polystyrene processing programs in the past," said Lynne Tjomsland, director of Buildings and Grounds. "We are not aware that they are involved in polystyrene diversion at the current time."

"The campus recycling program isn't as effective as we'd like it to be," Bunje said. "We're still seeing a lot of bottles and cans in the trash."

Diversion programs would involve keeping polystyrene out of the landfills.

USC diverts approximately 70 percent of its waste from the landfill through various programs, Tjomsland said. A large percentage of its waste is utilized by waste-to-energy diversion processors, an incineration process that burns waste. Polystyrene is not burned due to the harmful chemicals it gives off.

USC also diverts green waste, mixed paper, white paper, metals, wood, bottles, cans and various other products.

"Generally, the costs are slightly less to have diverted materials hauled and processed," Tjomsland said. "However, any savings are more than offset by the effort required for material handling, separation and recycling program administration. Low-grade and contaminated materials are refused by the material processor. These are sent to the landfill."

"It's harder to find markets for plastics and polystyrene," Lamoureaux said.

Currently, Los Angeles only accepts for curbside recycling number 1 or 2 plastic bottles, such as one-gallon milk and water jugs, detergent containers and soda bottles.

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Polystyrene Foam Report

What is it?

Polystyrene is a petroleum-based plastic made from the styrene monomer. Most people know it under the name Styrofoam, which is actually the trade name of a polystyrene foam product used for housing insulation. Polystyrene is a light-weight material, about 95% air, with very good insulation properties and is used in all types of products from cups that keep your beverages hot or cold to packaging material that keep your computers safe during shipping.

Why not use it?

- The biggest environmental health concern associated with polystyrene is the danger associated with Styrene, the basic building block of polystyrene. Styrene is used extensively in the manufacture of plastics, rubber, and resins. About 90,000 workers, including those who make boats, tubs and showers, are potentially exposed to styrene. Acute health effects are generally irritation of the skin, eyes, and upper respiratory tract, and gastrointestinal effects. Chronic exposure affects the central nervous system showing symptoms such as depression, headache, fatigue, and weakness, and can cause minor effects on kidney function and blood. Styrene is classified as a possible human carcinogen by the EPA and by the International Agency for Research on Cancer (IARC). A voluntary compliance program has been adopted by industries using styrene. The US Department of Labor, Occupational Safety & Health Administration unsuccessfully (a federal court overturned the ruling in 1992) tried to limit the amount of worker exposure to styrene to 50 parts per million (ppm). According to the Styrene Information and Research Center (SIRC), they still encourage their member companies to comply with the 50 ppm exposure limit. This program would reduce styrene exposures to a 50 ppm TWA with a 100 ppm (15 minute) ceiling.
-OSHA (US Dept of Labor, Occupational Safety & Health Administration)
- A 1986 EPA report on solid waste named the polystyrene manufacturing process as the 5th largest creator of hazardous waste. The National Bureau of Standards Center for Fire Research identified 57 chemical byproducts released during the combustion of polystyrene foam. The process of making polystyrene pollutes the air and creates large amounts of liquid and solid waste.
- Toxic chemicals leach out of these products into the food that they contain (especially when heated in a microwave). These chemicals threaten human health and reproductive systems.
- These products are made with petroleum, a non-sustainable and heavily polluting resource.
- The use of hydrocarbons in polystyrene foam manufacture releases the hydrocarbons into the air at ground level; there, combined with nitrogen oxides in the presence of sunlight, they form tropospheric ozone -- a serious air pollutant at ground level. According to the EPA (U.S. Environmental Protection Agency) more than 100 million Americans currently live in areas that fail to meet air quality standards for ozone. California, the Texas Gulf Coast, the Chicago-Milwaukee area, and the Northeastern U.S. all have "serious ozone air quality problems," according to EPA. Ozone is definitely a dangerous pollutant. The EPA says: "Healthy individuals who are exercising while ozone levels are at or only slightly above the standard can experience reduced functioning of the lungs, leading to chest pain, coughing, wheezing, and pulmonary congestion. In animal studies, long-term exposure to high levels of ozone has produced permanent structural damage to animal lungs while both short and long term exposure has been found to decrease the animal's capability to fight infection." In other words, prolonged exposure to atmospheric ozone above legal limits might be

**I AM THE PROBLEM
I AM THE SOLUTION**

PRACTICAL THINGS YOU CAN DO TO BE ECO-FRIENDLY:

Pick up animal waste and dispose of it properly.

Wash your car at a do-it-yourself car wash.

Pick up the trash in your gutters (it goes directly to the ocean).

Get involved in your local government

Buy nontoxic cleaners.

Fix all car leaks.

Properly store all toxic

expected to damage the immune system.

- By volume, the amount of space used up in landfills by all plastics is between 25 and 30 percent. -"Polystyrene Fact Sheet," Foundation for Advancements in Science and Education, Los Angeles, California.
- Polystyrene foam is often dumped into the environment as litter. This material is notorious for breaking up into pieces that choke animals and clog their digestive systems.
- Many cities and counties have outlawed polystyrene foam (i.e. Taiwan, Portland, OR, and Orange County, CA).

Can polystyrene be recycled?

- While the technology for recycling polystyrene is available, the market for recycling is very small and shrinking. Many Americans are hearing from their curbside recycling agencies that they will not accept PS goods. The good news is that the current Biopolymer revolution (biodegradable polymers) is charting a path for producing environmentally friendly packaging material to replace those peanuts. Corn based and other seeds known collectively as soapstock waste lead the way. Some are already available as replacements. Perhaps the problematic recycling situation will be solved by replacing the product.
- Polystyrene recycling is not "closed loop" - collected polystyrene cups are not remanufactured into cups, but into other products, such as packing filler and cafeteria trays. This means that more resources will have to be used, and more pollution created, to produce more polystyrene cups.
-*"Plastics Industry Grasps for Straws," Everyone's Backyard, January/February 1990, Citizen's Clearinghouse for Hazardous Waste, p. 6.*

Does polystyrene deplete the ozone layer?

- Initially a portion of polystyrene production was aided by the use of chlorofluorocarbons (CFCs), the chemicals that break down ozone in the troposphere. When this issue came to light, polystyrene manufacturers negotiated a gradual phase-out of CFCs in the production process and no CFCs have been used since the late 1980's.
- Though polystyrene manufacturers claim that their products are "ozone-friendly" or free of CFCs, this is only partially true. Some polystyrene is now manufactured with HCFC-22, which, though less destructive than its chemical cousins, CFC-11 and CFC-12, is still a greenhouse gas and harmful to the ozone layer. In fact, according to a 1992 study by the Institute for Energy and Environmental Research, HCFCs are three to five times more destructive to the ozone layer than previously believed.
-*"Study Finds CFC Alternatives More Damaging Than Believed," The Washington Post, December 10, 1989.*

Why Use Alternatives?

- Post-consumer recycled paper, bamboo, corn plastics, etc. are easily renewable resources.
- All of these products biodegrade when composted.
- Paper products can be recycled at most people's doorstep where community recycling is in place.
- In 1995, 40% of all US paper was recycled, including 32.6 million tons of paper & paperboard. (EPA)
- Every ton of 100% Post-consumer waste recycled paper products you buy saves:
 - 12 trees
 - 1,087 pounds of solid waste
 - 1,560 kilowatts of energy (2 months of electric power required by the average US home)
 - 1,196 gallons of water
 - 1,976 lbs. of greenhouse gases (1,600 miles traveled in the average US car)
 - 3 cubic yards of landfill space
 - 9 pounds of HAPs, VOCs, and AOXs combined
 - 390 gallons of oil



-Report from Green Restaurant Association Creating an Environmentally Sustainable Restaurant Industry

"In the end, we will conserve only what we love. We only love what we understand. We only understand what we are taught."
-Babia Dioum Senegalese Ecologist

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B



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Attn. Committee on Economic Development and Business Concerns(EDB) Chair Yamashita, Vice Chair Wakai and members of the committee

April 4th, 2008 9:30am, Conference Room 325

RE: HCR 192

Hawaiian Earth Products, the State's largest commercial composting facility, is in support of the proposed resolutions HCR 192.

There are biodegradable and compostable alternatives to both plastic bags and styrofoam, which if used, would support composting of foodwaste throughout the islands. These alternatives could significantly improve the efficiency of a composting facility if implemented correctly and proper guidelines are followed. The crucial element is education and enforceable guidelines to eliminate cross contamination of non-biodegradable materials while sorted and collected.

Hawaiian Earth Products currently processes Greenwaste, Clean Woodwaste (Untreated-Unpainted) and Pre-Consumer Fruit and Vegetable waste. While this has significantly reduced landfill volumes, the shift to include Post-Consumer Foodwaste and compostable food service packaging would have the greatest impact on landfill diversion. In addition, these wastes have a high nitrogen component, an excellent amendment to our existing compost and for agricultural use of finished organic compost. Greenwaste and Organics recycling is crucial to meeting the states goals, as it has the largest impact on reducing material going to the landfill, is the most cost effective, and offers farmers reduced operational costs and improved crops. Compost further reduces water consumption, petroleum-based fertilizers, and herbicides. This will reduce run-off and ocean pollution protecting the environment in a sustainable practice preserving natural resources.

In the composting operation, our biggest concern is contaminants, which do not biodegrade. Plastics such as bags and styrofoam are such contaminants – difficult and expensive to remove. Please support these resolutions as a positive direction in meeting the recycling goals of Hawaii and preserving sustainable resources.

If you require additional information please contact me at 808-682-5895.

Mahalo,

Ron Westmoreland
Menhune Green LLC
Dba Hawaiian Earth Products
91-400 Malakole Street
Kapolei, HI 96707
Office 808-682-5895
Fax 808-682-0762

91-400 Malakole St. * Kapolei, HI 96707 * Phone 682-5895 Fax 682-0762

Press Release

4.12.2002 ET

Press release from: Norcal Waste Systems, Inc.

Don't Waste It -- Compost It! Norcal, Joined by Mayor Jerry Brown, Recognizes Oakland Businesses for Reducing Landfill Disposal by 320 Tons-a-Month

(CSRwire) OAKLAND, Calif. - Norcal Waste Systems, Inc., joined by Mayor Jerry Brown, today honored Oakland businesses for participating in the company's Food Waste Recycling/Composting Program and for helping Oakland address City recycling and waste diversion goals. More than 50 businesses participate in the program offered by Golden Gate Disposal & Recycling, a wholly-owned subsidiary of Norcal. Their combined effort removes more than 300 tons-a-month from Oakland's waste stream.

The program is designed specifically to help communities achieve higher recycling rates to meet citizens' expectations, state mandates and environmental objectives. Norcal is introducing new and innovative programs designed to boost recycling rates in many California communities.

"Communities across California are trying to create new ways to manage their waste stream," said Mike Sangiacomo, President and CEO of Norcal. "Norcal has established itself as a leader in providing innovative recycling programs -- such as food waste composting -- to help communities meet specific recycling needs."

The City of Oakland is one community that benefits from such innovative programs. Exceeding the state-mandated 50 percent diversion rate, the City of Oakland wishes to do more. Alameda County voters established a countywide goal of 75 percent waste diversion and authorized the Alameda County Source Reduction and Recycling Board to set a date to achieve the goal. That target date is 2010.

"In Oakland, a significant portion of waste going into the landfills is food waste," said Mayor Jerry Brown. "Innovative programs like Norcal's Waste Recycling/Composting Program bring us closer to realizing our waste reduction goals while providing cost savings for Oakland businesses."

Customers have whole-heartedly embraced the program. In Oakland 55 businesses participate and some businesses are recycling more than 80 percent of their waste. Participating businesses collectively account for the removal of 320 tons-a-month of compostable material from Oakland's waste stream, useful material that would have otherwise gone to landfill.

Businesses like the food waste program because it allows them to reduce their overall garbage bills, and participate in a coordinated program that directly benefits the environment. Norcal began the program more than 5 years ago and continues to expand and refine the process.

"The program has been a great success here," said Kaz Kajimura owner of Yoshi's on Jack London Square. "We have been able to increase our recycling, lower our bill and participate in a program that directly benefits the environment -- what more could you ask for?"

"Food waste remains the single largest item in the overall waste stream," said Brian Mathews, Organics Processing Program Manager, Alameda County Waste Management Authority. "Food waste collection programs are critical to our ability to reach the 75 percent diversion goal."

Norcal's Jepson Prairie facility is doing its part to capture that organic material. Currently the facility receives more than 300 tons of food waste daily for composting from participating Bay Area communities.

Golden Gate Disposal & Recycling and Jepson Prairie are wholly-owned subsidiaries of Norcal Waste Systems, Inc., a 100 percent employee owned and operated company located in San Francisco. Norcal companies pioneered recycling five generations ago -- recycling 50 percent of the waste stream long before it became fashionable or mandated by law. Our employee owners are committed to the communities they serve and are experienced at working with cities and counties to develop and implement specific recycling solutions to achieve their particular recycling goals.

For more information please contact:

Robert Reed, Norcal Waste Systems, Inc.
(415) 875-1205

Adam Alberti, Singer Associates, Inc.
(415) 227-9700

1 [City Composting]

2
3
4 **Resolution urging all City facilities that have food service operations or generate**
5 **significant compostable discards and all contracted food service vendors operating on**
6 **City premises to participate in composting and recycling collection programs and to**
7 **use food service materials that either are recyclable or compostable; and to purchase**
8 **compost and/or mulch that is made from San Francisco's composting or mulching**
9 **programs.**

10 WHEREAS, The Commission on the Environment and the Board of Supervisors of the
11 City & County of San Francisco adopted a goal of seventy-five percent waste diversion from
12 landfill by 2010 and of zero waste to landfill by 2020; and

13
14 WHEREAS, The Resource Conservation Ordinance states that City Departments
15 should divert as much solid waste as possible from landfill disposal and maximize purchases
16 of recycled products; and

17 WHEREAS, City departments pay over 6 million dollars for landfilling almost 80,000
18 tons of waste per year and these costs can be reduced through increasing source reduction,
19 reuse, recycling and composting; and

20
21 WHEREAS, Over 1,700 businesses and institutions participate in San Francisco's
22 composting program, which collects over 70,000 tons of all types of food scraps, soiled paper,
23 plants, and other compostable materials annually, that is used to produce compost for local
24 landscapers, vineyards and organic farmers that return healthy food and flowers to San
25 Francisco markets and restaurants; and

****SANDOVAL**, DUFTY, MA, AMMIANO
BOARD OF SUPERVISORS**

1 WHEREAS, The compost made from San Francisco's food collection program is
2 especially rich in nutrients (such as nitrogen, phosphate, potash and organic matter) that can
3 replace the use of chemical fertilizers and improve overall soil and plant health; and

4 WHEREAS, City departments should lead by example in waste reduction, reuse,
5 recycling, and composting, including the composting of food scraps and other compostable
6 materials, and in the use of recycled products including compost; and

7 WHEREAS, Foamed polystyrene (Styrofoam), clear polystyrene and other plastic food
8 service ware products (e.g., utensils, cups, plates, straws, stirrers, and clamshells) cannot be
9 recycled or composted in San Francisco's current programs, and are an impediment for
10 diverting food service waste from landfill; and

11 WHEREAS, Comparable compostable alternatives to the polystyrene and other plastic
12 food service ware products are available to City departments; and therefore be it

13 RESOLVED, That the Board of Supervisors urges all City facilities with food service
14 operations or other significant compostable material discards (e.g., food scraps, soiled paper,
15 and plants trimmings) and all contracted food service vendors operating on City premises,
16 including but not limited to cafeteria service and provision of meals for inmates or patients, to
17 have in place and utilize both composting and recycling collection, including bottles, cans,
18 and aluminum foil, as soon as possible or by January 1, 2004; and be it

19 FURTHER RESOVLED, That the Board of Supervisors urges all City facilities with food
20 service operations and all contracted food service vendors operating on City premises, to
21 provide only food service ware products, including but not limited to utensils, cups, plates,
22
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24
25

****SANDOVAL****
BOARD OF SUPERVISORS

Page 2
5/20/03

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1 straws, stirrers, and clamshells, that are either designed for reuse or accepted for recycling or
2 composting collection in San Francisco's programs; and be it

3 FURTHER RESOLVED, That the Board of Supervisors urges the Department of the
4 Environment to assist in recycling and composting program implementation and to provide
5 information to City departments about the acceptability of food service ware products in San
6 Francisco's recycling and composting programs; and be it
7

8 FURTHER RESOLVED, That the Board of Supervisors urges City departments and
9 City owned operations such as golf courses and parks, to utilize and or purchase compost
10 and/or mulch that is made from San Francisco's composting or mulching programs.
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SF is North America's Recycling Leader--Vancouver Sun

(February 2, 2008)

By Frances Bula

There are many reasons this hyper-dense, and progressive, and innovative, and edgy city is considered the North American leader in recycling.

There's the pioneer food-composting program started five years ago. The bans on plastic bags and Styrofoam. The aggressive target of zero waste by 2010. The 69-per-cent recycling rate, the one that Metro Vancouver is aiming to equal in its new plan for garbage. And more.

But there's one other key factor: Their squads of friendly recycling cops/cheerleaders/missionaries willing to go through the garbage of their fellow residents and preach the gospel to them.

They were out on their various rounds this past Wednesday, as the skies cleared over the city and January felt a little like spring.

In the Sunset district just south of Golden Gate Park, Heidi Obermeit patrolled a row of down-at-the-heels cafes and bars.

At the Bashful Bull, an all-purpose restaurant with everything from club sandwiches to chow mein on the menu, she pulled plastic straws and a styrofoam meat tray out of the green bin meant for food waste and asked Christine Fung to make sure staff were more careful.

At the Gazebo, a Chinese restaurant, she checked the single black garbage can in the tiny kitchen and urged manager Ricky Kong to get a green can and start composting. It would help him save money on the restaurant's garbage bills, said Obermeit, a Berkeley environmental-studies grad who works for the private contractor that picks up most of the city's garbage.

Meanwhile, over on the other side of the park, volunteers working with the city of San Francisco's environment department -- specifically with the department's high-wattage volunteer organizer Sunshine Swinford-DeVries -- knocked on house and apartment doors.

Each team of two had a printed list of addresses of offenders who needed a little recycling re-education.

The list had been generated by a different patrol a few weeks earlier. That patrol had peered into the householders' wheeled carts put out on the sidewalk for pick-up, looking for items put in the wrong place: a plastic bag in the blue recyclables cart, a soda can in the regular-garbage black cart, a newspaper in with the green cart's food waste.

Backsliders had been left a tag on their carts letting them know they had erred. A few weeks later, they got a follow-up letter from the recycling company saying much the same.

Now, people like George Ji, an electronics salesman who had just come home from work, were getting an in-person visit.

Did he remember getting a tag on his garbage cart a few weeks ago, asked Andrea Deleon, a 22-year-old environmental studies student at San Francisco State University, of a somewhat bemused Ji.

"Those tags were given because something was not in the right place in your bins."

Ji said it was usually his mother who filled up the green bin with her kitchen and garden waste. He didn't know anything about it.

"You should be doing it too, not just your mom," said Deleon gently. "You think you can try to promise to put things in the right bin?"

In any other city, especially a U.S. one, these kinds of excursions might provoke a near riot or at least violent references to the country's Bill of Rights and a request to eff-off.

But this is San Francisco, where people from every spectrum will tell you that taking care of the environment is part of the city's culture. And recycling is one very concrete way to do that.

"We gotta do it, we gotta take care of this Earth," says Patty Mulqueen, a Harley Davidson T-shirt-wearing bartender at the low-rent Eagle's Drift Inn on Noriega. She picks up garbage on the beach near her home and goes through her 23-year-old son's trash bin at his apartment to pull out bottles and cans for recycling.

Rich Mitchell, a city resident who runs a bed and breakfast in Sonoma County during the summer, feels bad for not doing more.

At a temporary booth set up outside a Safeway by the city's environment department, he eagerly asks what can go in the green can.

"I'm feeling terribly guilty," Mitchell tells them. "I have a green can but I don't know how to use it and I know I should."

The editor of San Francisco magazine, where the cover story this month is about the city's rising tide of "eco-anxiety," admits in his editorial that he's so obsessed with recycling that he carries trash around in his pockets all day until he can find the right place to dump it.

"I swear I suffer physical pain at the thought that it might end up in a landfill rather than be recycled," wrote Steven Dinkelspiel. At least he's not in therapy for it, like some of the people quoted in the magazine's cover story.

All of this doesn't mean that San Francisco residents are inherently any better at recycling than people from Vancouver.

A look at their transfer station, where 2,000 tonnes of garbage gets dumped into the six-metre trench every day -- garbage that is filled with plastic bottles, cans, newspapers, and office paper that could all be recycled -- is enough to drive home the point that recycling nirvana hasn't been reached yet.

But people here do have a longing to do better. And to that end, they have been willing to let their political leaders and bureaucrats have the freedom to act aggressively.

Those enviro-bureaucrats are nothing like anyone we have in Metro Vancouver, where recycling is the domain of engineers. The head of San Francisco's environment department, Jared Blumenfeld, was personally hired by former mayor Willie Brown after he led a successful national campaign to prevent Mitsubishi from building a salt plant in Mexico that would have been near a breeding ground for the California grey whale. The volunteer coordinator, Swinford-DeVries, used to organize political campaigns.

The public support means those kinds of people are let loose to try whatever they can dream up to push recycling to the next level.

Effort began in 1989

Everyone here will tell you that it all started in 1989, when California decreed that all counties had to reach a target of recycling 50 per cent of their garbage by the year 2000.

San Francisco city officials sat down with the private company that does almost all of their garbage pickup to work out a plan. The city has a unique arrangement with an employee-owned company, Norcal. It's a descendant of the original scavenging associations that started operating in San Francisco during the gold rush and, with its subsidiaries Sunset Scavenger and Golden Gate Disposal, now gets exclusive contracts for garbage collection in the city, with its rates and responsibilities set out in a detailed agreement.

Both city and Norcal officials say that makes it possible for San Francisco to demand recycling improvements in a way that other cities can't.

What San Francisco has worked out with Norcal is a system where the more garbage Norcal can get into its recycling stream, the more it gets paid. That, in turn, means that a big part of Norcal's efforts go into trying to find new ways to get

people to recycle.

That means everything from setting up a classroom at the transfer station for school kids to see what happens to garbage — get them while they're young, says Norcal spokesman Robert Reed — to giving businesses financial rewards for recycling.

If a business can divert 70 per cent of its trash into dry recycling and-or composting, it can get a 75-per-cent reduction on its bill.

That was one incentive for a restaurant like Scoma's, a classic Fisherman's Wharf establishment that's been around since 1965.

Norcal approached Scoma's in the mid-1990s asking it to become one of the pilot restaurants in the new food-composting program they were introducing. Norcal had decided to focus on food composting and restaurants, since the city has about 4,000 eating establishments.

"We do about \$15 million in business a year," said purchasing manager Kelly Bennett. "They figured if they could show the busiest restaurant in the city could do this, it would speak volumes to everyone in the rest of the city."

The restaurant and Norcal focused on keeping everything as simple as possible and made sure there were green composting bins in the right places. It turned out the biggest problem the restaurant had was in keeping up with the volume of food waste. It had to keep ordering bigger and bigger bins.

Today, Scoma's makes do with four average-sized black carts lined up against the wall for regular garbage. The other 95 per cent of its trash goes into either the large food-composting dumpster or the dry-recyclables bin.

Scoma's saves about \$11,000 a year on its garbage bill as a result. And almost 2,000 other restaurants have signed on.

That's the trick, says Bob Besso, the man who heads Norcal's waste-reduction efforts. Keep it simple. Give people a financial reward. Offer to help them out. (Norcal will help train employees in recycling for any company that wants it.) And monitor their garbage.

Besso, a Vietnam vet who got inspired to save the environment by a post-service college teacher, is the man who launched the city's "Fantastic 3" program --the system of three carts, black for regular garbage, a single blue cart for all paper, cans and bottles, and, most important, the green cart for food and yard waste.

"With the previous program, we realized it wasn't going to get us where we wanted to go," says Besso.

But letting people put all the dry recycling into one bin, instead of a blue box and bags, boosted recycling immediately by 25 per cent.

The food composting also took a whack of the heaviest garbage out of the waste stream. It also gave Norcal the opportunity to bring recycling full circle, by providing compost to vineyards and farms near San Francisco.

It's also Besso who led the charge on garbage monitoring. His department gets lists of restaurants not composting or not recycling properly, and that information is used when staff like Heidi Obermeit go out on patrol.

Besso himself goes down to the transfer station at 4 a.m. occasionally, to check and take pictures of the garbage mix in the loads coming in from financial district routes overnight.

He's got a gallery of those pictures on his computer.

He shows off one picture of almost pure office paper, cans and newspapers with pride.

"It's heartening to see a large commercial customer do this well. There's no plastic bags in it at all. That's a beautiful load."

And that's how you get to 69-per-cent recycling.

C

Sec. 19-6.1. Polystyrene food packaging.

(a) Purpose. The purpose of this section is to decrease the use and presence of polystyrene products in order to promote the public health, reduce solid waste disposal and litter, protect air quality and the ozone layer, protect wildlife, livestock and the environment.

(b) Findings. The board of supervisors does hereby find that:

(1) Current available evidence shows that polystyrene foam food or drink containers create or contribute to significant health and litter problems in the county of Sonoma;

(2) Polystyrene foam food or drink containers are an ubiquitous and light-weight source of litter. Because they are not biodegradable, they constitute a large portion of accumulated litter;

(3) The light weight of polystyrene containers enables them to fly into county waterways and livestock enclosures where they may be ingested causing illness or death to wildlife and domestic animals or livestock;

(4) Medical evidence exists suggesting that styrene, a toxic chemical, may leach into food or drink from polystyrene foam containers, jeopardizing the public health;

(5) Available evidence shows that blowing agents used in polystyrene foam manufacture damage the ozone layer protecting the earth from dangerous ultraviolet radiation and may create lower-level air pollution. While some polystyrene foam manufacturers have begun to use less dangerous blowing agents which are less damaging to the environment, air quality and ozone protection continue to be threatened;

(6) In addition, polystyrene foam food containers present a solid waste management problem in Sonoma County. Such containers require solid waste disposal in county landfills, which may experience fires. Evidence suggests that uncontrolled incineration of polystyrene foam may release toxic emissions threatening air quality and public health. Complex chemical reactions may occur releasing potentially harmful emissions or leachate;

(7) The presence of polystyrene foam in the county's waste stream is particularly problematic because there is currently no market for the recycling of the polystyrene foam;

(8) Alternatives to polystyrene foam food or drink containers are readily available in the form of paper or nondisposable packaging;

(9) The collection of polystyrene litter and the disposal of polystyrene waste results in direct costs to the county;

(10) These findings are based on information and recommendations contained in the director of public works' letter dated April 25, 1989 and the public health officer's letter dated March 23, 1989;

(11) This section is consistent with the solid waste management plan of the county of Sonoma, and the legislative intent and findings of the state of California Solid Waste Management and Resource Recovery Act of 1972.

(c) Definitions.

(1) "Polystyrene foam" means any styrene or vinyl chloride monomer or polymer which is blown, molded or extruded into a foam-like material.

(2) "Polystyrene foam food packaging" means any food packaging which contains any polystyrene foam.

(3) "Person" or "anyone" means any natural person, firm, corporation, partnership or other organization or group, however organized.

(4) "Food packaging" means all bags, sacks, wrapping, container, bowls, plates, trays, cartons, cups, straws and lids, on or in which any foods or beverages are placed or packaged or are intended to be placed or packaged.

(5) "County premises" means all lands, water, buildings or premises owned by or leased to the county of Sonoma.

(d) Violations and Penalties. Any person who, while on county premises, wilfully possesses, gives, receives, lends, offers or exposes for sale, uses, delivers, furnishes,

Suffolk County (NY) Ban of Plastic Grocery Bags and other Plastic Food Containers

Chapter 301, FOOD LABELING AND PACKAGING ARTICLE II, Uniform Packaging Practices for Retail Food Establishments

[Adopted 3-29-1988 by L.L. No. 10-1988 EN]

[Amended 4dec91]

§ 301-7. Legislative intent.

- A. This Legislature finds that discarded packaging constitutes the largest single category of waste within Suffolk County's waste stream and is, therefore, a necessary focus of any effort to reduce the filling of the municipal landfills within Suffolk County, as well as to reduce the economic and environmental costs of waste management for the citizens of this county.
- B. This Legislature also finds that discarded nonbiodegradable packaging and plastic contained within the waste stream of Suffolk County is a fundamental cause of problems associated with municipal waste disposal.
- C. This Legislature further finds that landfill space within Suffolk County is diminishing rapidly; that state law currently in effect precludes the establishment of new landfills on Long Island within deep-flow recharge areas after 1990 and mandates closure of existing ones in these groundwater-sensitive areas by that date; that solid waste receiving areas outside of Long Island are becoming increasingly uncertain and expensive; and that, for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, streamline solid waste management must be vigorously pursued.
- D. This Legislature hereby finds that the chemical composition and ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, minimize the potential for toxic substances to form if solid waste is burned, reduce the volume of ash by-products that may be created by any burning of waste plastic packaging and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.

- E. This Legislature also hereby finds and determines that the use of plastics and other nonbiodegradable packaging has become widespread throughout the County of Suffolk and that the resulting mixed substance waste stream is a serious impediment to many solid waste management programs that are being considered for this county.
- F. This Legislature further finds that the widespread use of plastics, especially polystyrene and polyvinyl chloride, poses a threat to the environment in the County of Suffolk by causing excessively rapid filling of landfill space or, if incinerated, by the possible introduction of toxic by-products into the atmosphere and general environment of Suffolk County.
- G. This Legislature finds that the economic and environmental problems associated with Suffolk's mixed-substance waste stream are so severe that a program to incrementally simplify the chemical composition of solid waste, thereby reducing environmental hazards and toxicity associated with solid waste incineration and encouraging the composting of putrescible biodegradable wastes and encouraging other forms of recycling of solid waste substances, is hereby determined to be a policy goal of Suffolk County.
- H. This Legislature determines that the waste stream within Suffolk County is so large and diverse that any program to establish policies and laws conducive to any waste management program in lieu of landfilling must identify and set new policy for those specific sources of waste packaging which originate within this county.
- I. This Legislature determines that certain retail establishments within Suffolk County are points of origin for a substantial volume of packaging waste and, therefore, are particularly susceptible to actions which have significant potential for simplifying the chemical composition of this portion of Suffolk's solid waste stream, thereby improving solid waste management within this county.
- J. This Legislature finds that the use of polystyrene and polyvinyl chloride for food packaging is problematical because neither of these plastic species is readily recyclable; their abundant commercial use in lieu of other plastic species such as polyethylene or polypropylene unnecessarily complicates the overall chemical composition of municipal waste and subtracts from the possible emergence of a viable plastic recycling market for this region; and, if burned together, polystyrene and polyvinyl chloride leave a relatively heavier and therefore more expensive ash residue to dispose of which may also create dioxin, hydrochloric acid or other

toxic chemicals that could be emitted into the general environment of Suffolk County.

- K. This Legislature finds that there are readily available plastic and/or paper product substitutes for most of the polystyrene and polyvinyl chloride retail food packaging now being used in Suffolk County, the use of which alternatives would be environmentally and economically advantageous to the people of Suffolk County.
- L. This Legislature finds that plastic bags in the waste stream constitute an impediment to the development of efficient waste separation, recycling or other waste management programs and are less desirable than paper bags because plastic bags are neither recyclable nor compostable.
- M. This Legislature finds that plastic bags used by retail establishments selling food constitute the largest single retail source of plastic bags in the waste stream.
- N. Therefore, the purpose of this Article is to incrementally, to the maximum extent practicable, eliminate the use of nonbiodegradable packaging originating at retail establishments within Suffolk County in order to protect the air, land and waters of Suffolk County against environmental contamination and degradation.

§ 301-8. Definitions. [Amended 12-4-1991 by L.L. No. 34-1991]

NOTE: Local Law No. 34-1991 also amended §§ 301-9, 301-11, 301-12 and 301-13 of this chapter and provided as follows: Section 1. Legislative intent.

This Legislature hereby finds and determines that Local Law No. 10-1988 was enacted as a first step in what will be an incremental process of comprehensively regulating the disposal of solid waste products and encouraging the use of biodegradable products in order to reduce the number of toxic or long-lived products in the wastestream within the County of Suffolk.

This Legislature also finds and determines that certain technical changes are necessary to fine-tune the provisions of this law in order to ensure a smooth transition from nonregulation into full implementation of said legislation, now that the authority of the County legislature to enact such legislation has been upheld by the New York State Court of Appeals.

This Legislature further finds and determines that retail food establishments should be encouraged to recycle and reuse packaging.

[Photo Gallery](#) | [Legislation](#) | [Constituent Services](#)**Liz Krueger**

26th Senate District

[Biography](#) · [District Map](#) | [Contact](#) | [Home](#)

KRUEGER INTRODUCES BILL BANNING STYROFOAM PRODUCTS

SENATOR CITES NEED TO DECREASE USE OF PETROLEUM-BASED PRODUCTS IN ORDER TO CLEAN UP NY WASTE STREAM

Tuesday, July 10, 2007

Albany—New York State Senator Liz Krueger today announced that she has introduced (S6402), the Food Service Waste Reduction Act. The bill is designed to lead to a statewide phase-out of all polystyrene (Styrofoam) products used in the food service industry.

Polystyrene is a liquid hydrocarbon that is commercially manufactured from petroleum.

"Picture styrofoam, and you picture a product produced from petroleum that takes up to 500 years to fully disintegrate," Krueger said. "The purpose of this bill is to help New York clean up our waste stream and become a more environmentally sustainable state. We have a real problem with needlessly creating too much waste. If we have the ability to create affordable alternatives we should make that leap."

The bill would allow the food service industry one year to find environmentally-friendly alternatives to the styrofoam products currently in use. It applies to restaurants, as well as food-service providers and vendors, such as supermarkets.

Each year Americans throw away 25 billion styrofoam cups, or 1,369 tons of styrofoam products every day. The NYC school system alone throws away 150 million styrofoam meal trays annually.

Styrofoam is a notorious pollutant that is very difficult to recycle due to its light weight and low scrap value. It is generally not accepted in curbside programs, is seldom able to be reused, takes up a considerable amount of space in landfills, and takes a very long time to fully decompose. Due to the physical properties of polystyrene, the United States Environmental Protection Agency (EPA) states that "such materials can have serious impacts on human health, wildlife, and the aquatic environment" because the product breaks down and can clog waterways, or be mistaken for food by wildlife.

One of styrofoam's components, styrene, is a known hazardous substance suspected to be a carcinogen and neurotoxin. Many people do not realize that when they re-heat food in a styrofoam product, toxins are released into their food.

Krueger's Act includes an "affordability" clause, which recognizes that not every styrofoam product currently has an environmentally-friendly alternative, and even in some cases where there is such an alternative, the much higher cost would place undue economic hardship on various businesses. Under her bill the state Department of Environmental Conservation (DEC) will annually adopt a list of suitable, affordable alternative products that are compostable or recyclable; these alternatives must be within 15% of the cost of non-compostable or non-recyclable products currently in use.

Similar bills have already been enacted in the cities of Oakland, San Francisco, Berkeley, Portland, and about 100 other municipalities across the country. New York has the chance to be the first state to enact this legislation.

"Many municipalities have enacted various versions of this law, and some of the nations largest food-service providers have already moved in this direction as well, based not on new laws, but their own free will and conscience," Krueger explained.

"Every year millions of tons of styrofoam is released into the environment. No one is saying we have the perfect answer right now. What we are saying is that we have to make the wisest choice with what we have, and phasing out the use and negative lasting-effects of styrofoam in our environment is a logical step," Krueger concluded.

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Int. No. 609

By Council Members de Blasio, Brewer, Comrie, Fidler, Gennaro, Gerson, James, Koppell, Liu, Mark-Viverito, Monserrate, Nelson, Sears, Weprin, Gonzalez and Arroyo

A Local Law to amend the administrative code of the city of New York in relation to restricting the use of polystyrene foam food packaging.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. Polystyrene foam is virtually immune to biological decomposition. Thus, when products made from polystyrene foam are landfilled, they consume landfill space for centuries. Polystyrene foam also resists compacting and, therefore, by volume, consumes more landfill space than other types of materials, such as paper. In addition, polystyrene foam is not made from material recovered from the waste stream and, therefore, makes a far more limited contribution to the development of markets for recycled materials. Polystyrene foam is a pollutant that breaks down to smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus injuring or killing them. Due to the physical properties of polystyrene foam, the United States Environmental Protection Agency (EPA) states, "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy".

The Council finds that the food service and retail food industries currently use substantial quantities of polystyrene foam to package ready-to-eat, prepared, and uncooked food and beverages. The Council further finds that there are substitutes for or alternatives to polystyrene foam food packaging and other products or items made of polystyrene foam that adequately serve the needs of the retail food and food service industries, as well as the consumer, and that these substitutes or alternatives are readily obtainable and are recyclable or biodegradable to a significantly greater degree than is polystyrene foam.

Accordingly, the Council finds that as a step towards achieving the goals of preserving landfill capacity by reducing the waste stream, encouraging the use of biodegradable and recyclable materials and materials made of recycled content, and minimizing the need for resource recovery facilities, it is appropriate to restrict the amount of polystyrene foam products used in the city and, thereby, reduce the health and environmental hazards created by the manufacture and disposal of these products.

295-06

NO. 060944

ORDINANCE NO.

1 [Food Service Waste Reduction Ordinance.]

2
3 Ordinance amending the San Francisco Environment Code by adding Chapter 16,
4 Sections 1601 through 1611, to: (1) prohibit the use of polystyrene foam disposable
5 food service ware and require the use of biodegradable/compostable or recyclable
6 disposable food service ware by restaurants, retail food vendors, City departments and
7 the City's contractors and lessees unless there is no affordable alternative; and, (2)
8 provide for penalties for violation; and amending the San Francisco Health Code by
9 repealing Sections 469 through 469.10, which ban the use of food packaging and
10 plastic food service ware made with chlorofluorocarbons.

11 Note: Additions are single-underline italics Times New Roman;
12 deletions are ~~strikethrough italics Times New Roman~~.
13 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings.

16 (a) The City and County of San Francisco has a duty to protect the natural
17 environment, the economy, and the health of its citizens.

18 (b) Reusing food service ware and using compostable and biodegradable take-out
19 materials made from renewable resources such as paper, corn starch and sugarcane are
20 among the effective ways to reduce the negative environmental impacts of disposable food
21 service ware.

22 (c) Polystyrene foam is a common environmental pollutant as well as a non-
23 biodegradable substance that is commonly used as food service ware in the City and County
24 of San Francisco.

25
Supervisors Peskin, Daly, Mirkarimi, Ammiano, McGoldrick, Sandoval, Maxwell, Dufty, Ma, Alioto-Pier
BOARD OF SUPERVISORS

1 (d) There continues to be no meaningful means to recycle polystyrene foam food
2 service ware and biodegradable/ compostable or recyclable disposable food service ware is
3 an affordable, safe, more ecologically sound alternative.

4 (e) Affordable biodegradable/compostable or recyclable food service ware products
5 are increasingly available for various food service applications such as cold cups, plates and
6 hinge containers and these products are more ecologically sound than polystyrene foam
7 materials and can be recycled or turned into a compost product.

8 (f) The natural compost product from these biodegradable or compostable materials is
9 used as fertilizer for farms and gardens, thereby moving towards a healthier zero waste
10 system.

11 (g) Disposable food service ware constitutes a large portion of the litter in San
12 Francisco's streets, parks and public places and the cost of managing this litter is high and
13 rising.

14 (h) Polystyrene foam is a notorious pollutant that breaks down into smaller, non-
15 biodegradable pieces that are ingested by marine life and other wildlife thus harming or killing
16 them.

17 (i) Due to the physical properties of polystyrene foam, the United States Environmental
18 Protection Agency (EPA) states "that such materials can also have serious impacts on
19 human health, wildlife, the aquatic environment and the economy."

20 (j) In the product manufacturing process as well as the use and disposal of the
21 products, the energy consumption, greenhouse gas effect, and total environmental effect,
22 polystyrene foam's environmental impacts were second highest, according to the California
23 Integrated Waste Management Board.

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 JUN 26 AM 9:32

Introduced by Councilmember QUAN AND DE LA FUENTE
(USE IF APPLICABLE)

Approved as to Form and Legality

James Atenis
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Ordinance No. 12747 C.M.S.

AN ORDINANCE TO PROHIBIT THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE AND REQUIRE THE USE OF BIODEGRADABLE OR COMPOSTABLE DISPOSABLE FOOD SERVICE WARE BY FOOD VENDORS AND CITY FACILITIES

This ordinance will institute two distinct practices by all food vendors and City Facilities in Oakland. The first is that the use of polystyrene foam disposable food service ware will be prohibited. The second is that all disposable food service ware will be required to be biodegradable or compostable, as long as it is affordable.

WHEREAS, the City of Oakland has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of throw-away food service ware include reusing food service ware and using compostable and biodegradable take-out materials made from renewable resources such as paper, corn starch and sugarcane; and

WHEREAS, polystyrene foam is a common environmental pollutant as well as a non-biodegradable substance that is commonly used as food service ware by food vendors operating in the City of Oakland; and

WHEREAS, there continues to be no meaningful recycling of polystyrene foam food service ware and biodegradable or compostable food service ware is an affordable, safe, more ecologically sound alternative; and

WHEREAS, affordable biodegradable or compostable food service ware products are increasingly available for several food service applications such as cold cups, plates and hinge containers and these products are more ecologically sound than polystyrene foam materials and can be turned into a compost product; and

WHEREAS, the Oakland Coliseum has successfully replaced its cups with biodegradable corn starch cups and has shown an overall cost savings due to organics recycling; and

WHEREAS, over 155 businesses in Oakland engage in organics recycling and it has been demonstrated that the use of biodegradable or compostable food service ware can reduce waste disposal costs when the products are taken to composting facilities as part of an organics recycling program rather than disposed in a landfill; and

WHEREAS, the natural compost product from these biodegradable or compostable materials is used as fertilizer for farms and gardens, thereby moving towards a healthier zero waste system; and

WHEREAS, disposable food service ware constitutes a large portion of the litter in Oakland's estuary, streets, parks and public places and the cost of managing this litter is high and rising; and

WHEREAS, polystyrene foam is notorious as a pollutant that breaks down into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus harming or killing them; and

WHEREAS, due to the physical properties of polystyrene, the EPA states "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy." and

WHEREAS, a 1986 EPA report on solid waste named the polystyrene manufacturing process as the fifth largest creator of hazardous waste in the United States; and

WHEREAS, in the product manufacturing process as well as the use and disposal of the products, the energy consumption, greenhouse gas effect, and total environmental effect, polystyrene's environmental impacts were second highest, behind aluminum, according to the California Integrated Waste Management Board; and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance that medical evidence and the Food and Drug Administration suggests leaches from polystyrene containers into food and drink; and

WHEREAS, styrene is a suspected carcinogen and neurotoxin which potentially threatens human health; and

WHEREAS, styrene has been detected in the fat tissue of every man, woman and child tested by the EPA in a 1986 study; and

WHEREAS, the general public is not typically warned of any potential hazard, particularly in the immigrant and non-English-speaking community; and

WHEREAS, due to these concerns nearly 100 cities have banned polystyrene foam food service ware including several California cities, and many local businesses and several national corporations have successfully replaced polystyrene foam and other non-biodegradable food service ware with affordable, safe, biodegradable products; and

WHEREAS, restricting the use of polystyrene foam food service ware products and replacing non-biodegradable food service ware with biodegradable food service ware

03:13

CITY OF OAKLAND



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June 13, 2006

PUBLIC WORKS COMMITTEE
OAKLAND CITY COUNCIL
Oakland, California

Re: AN ORDINANCE TO PROHIBIT THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE AND REQUIRE THE USE OF BIODEGRADABLE OR COMPOSTABLE FOOD SERVICE WARE BY FOOD VENDORS AND CITY FACILITIES

Members of the Public Works Committee:

I am proposing an ordinance that will institute two distinct practices by all Oakland food vendors and City facilities. The first is that the use of all polystyrene foam disposable food service ware will be prohibited. The second is that all disposable food service ware will be required to be biodegradable or compostable when it is cost-neutral to the Food Vendor to use these products (meaning the cost is the same or less than the non-polystyrene foam, non-biodegradable/compostable alternative).

This ordinance will further the goal of the Mayor and City Council to develop a sustainable city and create a zero waste community and further efforts to align the disposable products used in our community with the waste systems in place. This ordinance will address solid waste, environmental and toxicity impacts of disposable food service ware in Oakland. This ordinance was developed in collaboration with many experts in the field of solid waste and greening of business. Legislation banning polystyrene foam food packaging has been adopted in nearly 100 American cities including Berkeley and Portland. Furthermore, other Bay Area communities including San Francisco, Palo Alto, Berkeley and Marin County are now considering legislation similar to this proposed ordinance.

Polystyrene foam, a plastics product, is designed for a useful life of minutes or hours but continues to exist in our environment for hundreds or thousands of years. There continues to be no meaningful recycling of polystyrene foam in California.

Biodegradable food service ware can be an affordable, safe, ecologically sound alternative to polystyrene foam and other disposable food service ware. Some Oakland businesses have voluntarily stopped using polystyrene foam products and some utilize biodegradable food service ware as their way of contributing to community health and the environment. Many of these businesses are also realizing waste disposal cost savings because food scrap (biodegradable) waste collection can cost less than garbage collection. Over 155 businesses in Oakland are now recycling organics and this number is growing every year due to overall cost savings.

Non-biodegradable food service ware, especially polystyrene foam, constitutes a large portion of the litter in Oakland and the cost of managing this litter is high and rising. While there are no conclusive medical opinions, there is evidence suggesting that the component styrene, suspected carcinogen and neurotoxin and known hazardous substance, may leach from polystyrene containers into fatty food or drink, posing a potential health risk to people. The EPA National Human Adipose Tissue Survey for 1986 identified styrene residues in 100% of all samples of human fat tissue taken in 1982 in the U.S. Recently, a number of studies and news articles have detailed increased concerns about the cumulative effects of trace chemicals and suspected carcinogens on the human body, especially among children.

FISCAL IMPACT

The City will absorb any increased costs associated with purchasing non-polystyrene foam products for use in City Facilities. There will also be some cost associated with the complaint-based enforcement of the ordinance by the City Administrator.

BACKGROUND

Polystyrene foam, also known by the name "Styrofoam", is formed by adding a blowing agent to polystyrene, a petroleum-based plastic material. Polystyrene foam is light-weight (about 95% air), with good insulation properties and is used in all types of products from cups that keep beverages hot or cold to materials that keep items safe during shipping. The California Integrated Waste Management Board (CIWMB) estimates that Californians use 165,000 tons of polystyrene each year for packaging and food service purposes alone.¹

In the past, polystyrene foam was banned by cities due in part to the ozone-depleting gases used as blowing agents; most polystyrene foam is now made with less damaging gases. More recent bans have been enacted because of the litter and marine debris impacts of polystyrene foam food packaging as well as overall environmental health. Nearly 100 cities nationwide including other California coastal cities such as Malibu, Aliso Viejo, San Juan Capistrano, Huntington Beach and San Clemente have banned

¹ *Use and Disposal of Polystyrene in California*, California Integrated Waste Management Board, December 2004.

polystyrene foam food service ware. Polystyrene foam food service ware is also banned across China, Taiwan and India and other types of plastics are being banned all over the world.

This proposed ordinance is consistent with several bills at the state level that seek to move towards zero waste and managing plastics: AB1866 (Karnette) would prohibit any state facility from selling, possessing or distributing polystyrene foam food containers; AB 1940 (Koretz) would convene a multi-agency task force to make progress in reducing marine debris statewide; AB 2147 (Harman) would clarify the definition of "compostable", "biodegradable" and "degradable" compostable plastic food and beverage containers in order to promote compatibility with waste management systems; AB 319 (Chan) bans some plastic products containing Phthalates and Bisphenol-A; SB 1379 (Perata) establishes a biomonitoring program to determine, assess and monitor the presence and concentration of chemicals in the tissue and blood of Californians.

On May 10th, 2006, a public meeting was convened at City Hall to inform food vendors and the community about this proposed ordinance and get feedback on how to make the ordinance more effective. The meeting was attended by community members, several members of the waste disposal community, and at least two Chambers of Commerce. In addition, all major Chambers of Commerce and several franchise owners and food service ware vendors have been consulted about the proposed ordinance.

While using biodegradable disposable food ware is preferable, the use of disposable food service ware in general will continue to have significant impacts on solid waste disposal and consumption of natural resources, local waterways, and litter. All food vendors should evaluate how they can reduce the use of all disposable food service ware and maximize the portion of their food service ware that is reused.

KEY ISSUES AND IMPACTS

Solid Waste and Recycling

The California Integrated Waste Management Act of 1989 requires that all California jurisdictions achieve and maintain a landfill diversion rate of 50%, beginning in 2000. In 2002, the City adopted a goal of 75% reduction of waste going to landfills by 2010 in alliance with a countywide 75% waste reduction goal. In March 2006, Oakland City Council joined cities, counties and states worldwide in adopting a goal of zero waste by the year 2020. Zero waste principals, as applied to municipal solid waste, include improving "downstream" reuse/recycling of end-of-life-products, pursuing "upstream" re-design strategies to reduce the volume and toxicity of discarded products and materials, and promoting low-impact or reduced consumption lifestyles.

Oakland achieved a landfill diversion rate of 55% in 2004². The greatest opportunity for additional solid waste diversion is related to targeting waste reduction and recycling in the commercial sector.³ Collection of commercial organics, primarily food scraps, is a

² Result not yet certified by California Integrated Waste Management Board.

³ City of Oakland Public Works Agency/Environmental Services Division Strategic Plan for 75% Reduction and Recycling of Solid Waste, February 28, 2006.

key program targeted in the Strategic Plan for 75% Solid Waste Diversion, adopted by Council in March 2006.

There is currently no meaningful recycling of post-consumer polystyrene foam food service ware, due in part to contamination from food residue and in part to the economic unfeasibility of such a service. Polystyrene foam is also non-biodegradable, and a common contaminant in food scraps collection programs. Unlike polystyrene foam food service ware, biodegradable food service ware can be included in commercial and residential food scraps collection programs, and processed at composting facilities rather than landfilled. The natural compost products made from these biodegradable materials are used as soil amendments on farms, commercial nurseries and gardens.

Oakland is already a leader in residential organics recycling. Since the February 2005 rollout of weekly residential recycling services that accepted food scraps along with yard trimmings, yard trimmings tonnage in 2005 increased over 46% compared to 2004, to 33,500 tons. An estimated 15% of households participated in the food scraps collection service in 2005. It is expected that participation will grow as food scraps recycling becomes a mainstream behavior, just as can, bottle and paper recycling did during the 1990s.

This ordinance will support and complement the Public Works Agency's Business Recycling Technical Assistance Project, a targeted program described in the Strategic Plan for 75% Solid Waste Diversion, which commences in July 2006. This project will enroll businesses in organics recycling programs, as well as the new Small Business Recycling Service that is part of the Franchise Agreement with Waste Management of Alameda County, and the Agreement For Residential Recycling with California Waste Solutions. Businesses can realize cost savings by shifting their discards from the garbage service to lower-cost food scrap recycling services. Commercial food scraps collection services are currently provided in Oakland's competitive, open market for source-separated, commercial recyclable materials, by two service providers, Waste Management of Alameda County and Norcal Waste Systems of Alameda County. As noted, over 150 Oakland businesses already are recycling their food scraps and organic discards with these providers.

Litter and Marine Pollution

Polystyrene foam, though inexpensive and effective as a food service ware product, has many drawbacks and hidden costs which are later passed on to the public. Polystyrene foam presents unique management issues because of its lightweight nature, floatability, and prevalence to be blown from disposal sites even when disposed of properly. It is estimated polystyrene foam comprises 15% of the litter collected in storm drains.⁴ Pollution of our waterways and waterfront negatively affects tourism and quality of life in Oakland.

⁴ *Use and Disposal of Polystyrene in California*, California Integrated Waste Management Board, December 2004.

Polystyrene foam breaks down into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife. At least 162 marine species including most seabirds have been reported to have eaten plastics and other litter. Studies measuring plastics found up to five kilometers off the California Coast have found high levels of small plastic pieces from land-based sources, especially after storm events.⁵ The small pieces are similar in size and sometimes more abundant than plankton, and represent a large risk to filter feeders (marine animals that eat suspended in water).

Toxicity and Health

There are potential health impacts from polystyrene foam disposable food service ware associated with the production of polystyrene and with the leaching of some of its chemical components into food and drink. The general public is not typically warned of these public hazards, particularly in the immigrant and non-English-speaking community.

The process of manufacturing polystyrene pollutes the air and creates large amounts of liquid and solid waste. In the categories of energy consumption, greenhouse gas effect, and total environmental effect, polystyrene's environmental impacts were found to be second highest, behind aluminum.⁶ Additionally, the National Bureau of Standards Center for Fire Research identified 57 chemical byproducts released during the combustion of polystyrene foam.⁷ Benzene, a chemical component of polystyrene foam, is a known carcinogen and enters the human body either through the skin or respiratory system.⁸ Styrene, another component of polystyrene, is a suspected carcinogen and neurotoxin and known hazardous substance. The EPA and FDA state that chemical components of polystyrene may leach from food containers into food and drink; the FDA recommends that plastic takeout containers never be microwaved for this reason.⁹

There have been increasing calls for legislators to protect the public from the cumulative effects chemicals we are exposed to every day in our environment.¹⁰ The cumulative effects of chemicals on the human body, also known as "body burden", are mostly unknown. Body burden studies show that we are exposed to complex mixtures of chemicals that are linked to health harms.¹¹ It is our responsibility as elected officials to take precautionary steps to protect our citizens from these risks.

⁵ *Use and Disposal of Polystyrene in California*, California Integrated Waste Management Board, December 2004.

⁶ *Use and Disposal of Polystyrene in California*, California Integrated Waste Management Board, December 2004.

⁷ Earth Resource Foundation <http://www.earthresource.org/campaigns/capp/capp-styrofoam.html> Accessed April 25, 2006.

⁸ US Occupational and Health Administration <http://www.osha.gov/SLTC/benzene/index.html> Accessed May 23, 2006.

⁹ Environmental Protection Agency http://www.epa.gov/safewater/contaminants/dw_contamfs/styrene.html Accessed May 23, 2006, Food and Drug Administration, http://www.fda.gov/fdac/features/2002/602_plastic.html Accessed May 23, 2006.

¹⁰ "Getting Serious About Chemicals", Oakland Tribune, January 31, 2006.

¹¹ Environmental Working Group <http://www.ewg.org/bodyburden/results.php> Accessed May 23, 2006

products in Oakland will further protect the public health and safety of the residents of Oakland, the City of Oakland's natural environment, waterways and wildlife, would advance the City's goal of Developing a Sustainable City, advance the City's goal of Zero Waste by 2020 and fulfill Article 10 of the Environmental Accords, whereby Oakland partnered with other cities across the globe in signing a commitment to eliminate or restrict the use of one chemical or environmental hazard every year;

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN CHAPTER 8.07 OF THE MUNICIPAL CODE SHALL BE:

Section 8.07.010 Definitions

"Affordable" means purchasable by the Food Vendor for same or less purchase cost than the non-Biodegradable, non-Polystyrene Foam alternative.

"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.

"Biodegradable" means the entire product or package will completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

"Compostable" means all materials in the product or package will break down into, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner in an appropriate composting program or facility, or in a home compost pile or device. Compostable Disposable Food Service Ware includes ASTM-Standard Bio-Plastics (plastic-like products) that are clearly labeled, preferably with a color symbol, such that any compost collector and processor can easily distinguish the ASTM Standard Compostable plastic from non-ASTM Standard Compostable plastic.

"City Facilities" means any building, structure or vehicles owned or operated by the City of Oakland, its agent, agencies, departments and franchisees.

"Customer" means any person obtaining Prepared Food from a Restaurant or Retail Food Vendor.

"Disposable Food Service Ware" means all containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives and other items that are designed for one-time use and on, or in, which any Restaurant or Retail Food Vendor directly places or packages Prepared Foods or which are used to consume foods. This includes, but is not limited to, service ware for Takeout Foods and/or leftovers from partially consumed meals prepared at Restaurants or Retail Food Vendors.

"Food Vendor" means any Restaurant or Retail Food Vendor located or operating within the City of Oakland.

**CITY OF BALTIMORE
COUNCIL BILL 08-0061
(First Reader)**

Introduced by: Councilmembers Kraft, Henry, Curran, Clarke
Introduced and read first time: March 3, 2008
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental
Control Board, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Establishments – Polystyrene Products**

3 FOR the purpose of prohibiting food service establishments from using certain polystyrene
4 products under certain circumstances; defining certain terms; and providing for a special
5 effective date.

6 BY repealing and reordaining, without amendments

7 Article - Health
8 Section(s) 6-101(c), 6-801, and 6-802
9 Baltimore City Revised Code
10 (Edition 2000)

11 BY adding

12 Article - Health
13 Section(s) 6-507
14 Baltimore City Revised Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 1 - Mayor, City Council, and Municipal Agencies
18 Section(s) 40-14(e)(7)(Title 6)
19 Baltimore City Code
20 (Edition 2000)

21 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
22 **Laws of Baltimore City read as follows:**

23 **Baltimore City Revised Code**

24 **Article – Health**

25 **Title 6. Food Service Facilities**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.



City of Baltimore
Legislative File ID 08-0061

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Type: **Ordinance** Status: **In Committee**
 Enactment Enactment
 Title: **Food Establishments - Polystyrene Products FOR the purpose of prohibiting food service establishments from using certain polystyrene products under certain**

Controlling Body: **Judiciary and Legislative Investigations**
 Introduced: **3/3/2008** Version: **0**
 Final Action: Contact: **10:30 AM**
 Name: **Food Establishments - Polystyrene Products**

Hearing Date: **4/29/2008**

Requester:
 Sponsors: **James B. Kraft, Bill Henry, Robert W. Curran, Mary Pat Clarke**

Attachments: **Legislative File Text**
08-0061 - 1st Reader.pdf

Next Meeting:

Legislative History

Date	Acting Body	Action Taken	Motion
3/3/2008	City Council	Introduced to the City Council	
3/3/2008	City Council	Assigned to the Judiciary and Legislative Investigations	
3/6/2008	City Council President	Referred for a Report to the City Solicitor due on 4/6/2008.	
3/6/2008	City Council President	Referred for a Report to the Dept. of Health due on 4/6/2008.	
3/6/2008	City Council President	Referred for a Report to the Environmental Control Board due on 4/6/2008.	
3/6/2008	City Council President	Referred for a Report to the Commission on Sustainability due on 4/6/2008.	
3/17/2008	Judiciary and Legislative Investigations	Scheduled for a Public Hearing to the Judiciary and Legislative Investigations due on 4/29/2008.	

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SENATE BILL REPORT

SB 5855

AS REPORTED BY COMMITTEE ON TRANSPORTATION, MARCH 6, 1991

Brief Description: Restricting polystyrene products in ferryboats and terminals.

SPONSORS: Senators Conner, Murray, Craswell, Hansen, Snyder, McMullen, Moore, A. Smith and Pelz.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5855 be substituted therefor, and the substitute bill do pass.

Signed by Senators von Reichbauer, Vice Chairman; Barr, Conner, Madsen, McMullen, Oke, Skratek, Snyder, and Vognild.

Staff: Vicki Fabre (786-7313)

Hearing Dates: March 6, 1991

BACKGROUND:

Critics of polystyrene foam products (or styrofoam) maintain that because polystyrene is non-biodegradable and less dense than alternative materials such as paper, the careless disposal of styrofoam cups, plates, and packaging can contribute to the litter problem and can take up an inordinate amount of space in public landfills. Additionally, concern has been expressed about the burning of polystyrene products which release chlorofluorocarbons (CFCs). The release of CFCs into the atmosphere contributes to the depletion of the ozone layer.

The McDonald's Corporation, in recognition of these concerns, recently decided to phase out the use of styrofoam from its worldwide operations. Furthermore, the cities of Port Townsend and Winslow have passed ordinances which restrict the use of polystyrene products for food service operations within their jurisdictions. Vendors, however, operating on Washington State Ferries and in state ferry terminals are not required to comply with these local ordinances.

SUMMARY:

Legislative intent to safeguard the health, safety and natural environment of Washington by restricting the use of polystyrene products is declared.

Restaurants, retail food vendors, food packagers and non-profit food providers operating on a state or commercial ferry boat or within a state or private ferry terminal are prohibited from serving or packaging prepared food in containers or wrappers made of polystyrene foam products.

The Department of Transportation (DOT) is responsible for notification and enforcement aboard state ferries and ferry terminals. Notification and enforcement on private ferries is the responsibility of the Utilities and Transportation Commission and the county prosecutors where private ferry boats and terminals operate.

The act takes effect January 1, 1992.

EFFECT OF PROPOSED SUBSTITUTE:

The provision placing notification and enforcement responsibilities on DOT, the UTC and county prosecutors is deleted.

Violation of the prohibition against serving or packaging prepared food in containers or wrappers made of polystyrene foam products on ferry boats and in ferry terminals is a misdemeanor.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: January 1, 1992

TESTIMONY FOR:

The deleterious effects of polystyrene foam (or styrofoam) products on the marine environment and wildlife warrant restricting the use of such products on both state and private ferry boats and in ferry terminals. This legislation is needed to insure that local ordinances banning styrofoam products are observed. The legislation will aid the troubled timber industry by indirectly promoting the use of alternative packaging products such as paper.

TESTIMONY AGAINST:

The state has preempted local bans on products and packaging until 1993 to give industry, environmental groups and local government an opportunity to work out a statewide solution to the problem.

The state Legislature is currently addressing the problem of solid waste disposal as it pertains to packaging through comprehensive legislation which embodies the recommendations of the Packaging Task Force.

TESTIFIED: Michael Kenna, City of Port Townsend (pro); Terry McCarthy, DOT (pro); Mark Greenberg, Council for Solid Waste Solutions (con)

ASSEMBLY BILL

No. 820

Introduced by Assembly Member Karnette

February 22, 2007

An act to add Chapter 6.5 (commencing with Section 42390) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 820, as introduced, Karnette. Recycling polystyrene: state facilities.

Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the rigid plastic bottle or rigid plastic container. Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

This bill would define terms and would prohibit a state facility from selling, possessing, or distributing an expanded polystyrene food container on and after January 1, 2009. The bill would direct a state agency to require each prospective bidder or contractor, on and after January 1, 2009, to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement, will not sell, possess, or distribute an expanded polystyrene food container at a state facility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.5 (commencing with Section 42390)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

4
5 CHAPTER 6.5. POLYSTYRENE CONTAINERS
6

7 42390. For purposes of this chapter, the following definitions
8 shall apply:

9 (a) "Expanded polystyrene food container" means a rigid plastic
10 packaging container, as defined in Section 42301, that meets all
11 of the following conditions:

12 (1) Polystyrene is the sole resin used to produce the rigid plastic
13 packaging container.

14 (2) The container is required to be labeled with a "6" pursuant
15 to subdivision (a) of Section 18015.

16 (3) The container is used, or is intended to be used, to contain
17 food, as defined in Section 109935 of the Health and Safety Code.

18 (b) "State facility" means a facility owned or leased by a state
19 agency, department, office, board, commission, or bureau of state
20 government, including, but not limited to, the campuses of the
21 California State University, the University of California, and the
22 California Community Colleges, prisons within the Department
23 of Corrections and Rehabilitation, and facilities of the Department
24 of Parks and Recreation.

25 42391. On and after January 1, 2009, a state facility shall not
26 sell, possess, or distribute an expanded polystyrene food container.

27 42392. On and after January 1, 2009, a request for proposal or
28 a contract for food, food service, or food containers shall require
29 the bidder or contractor to certify that it, and its agents, subsidiaries,
30 partners, joint venturers, and subcontractors for procurement, shall
31 not sell, possess, or distribute an expanded polystyrene food
32 container at a state facility.

33 42393. This chapter shall apply to the campuses of the
34 University of California only upon the approval of the Board of
35 Regents of the University of California.

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Wednesday, April 2, 2008

Bill Text - S06402

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[See Bill Summary](#)

S T A T E O F N E W Y O R K

6402

2007-2008 Regular Sessions

I N S E N A T E

July 6, 2007

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of certain food packaging and plastic food service ware

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "food service waste reduction act".

3 S 2. Article 27 of the environmental conservation law is amended by
4 adding a new title 25 to read as follows:

5 TITLE 25
6 FOOD SERVICE WASTE REDUCTION

7 SECTION 27-2501. DEFINITIONS.
8 27-2503. PROHIBITED DISPOSABLE FOOD SERVICE WARE.
9 27-2505. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD
10 SERVICE WARE.
11 27-2507. POWERS OF MUNICIPALITIES.

12 S 27-2501. DEFINITIONS.
13 1. "AFFORDABLE" MEANS PURCHASABLE FOR NOT MORE THAN FIFTEEN PERCENT
14 MORE THAN THE PURCHASE COST OF THE NON-BIODEGRADABLE NON-COMPOSTABLE OR
15 NON-RECYCLABLE ALTERNATIVE.
16 2. "ASTM STANDARD" MEANS MEETING THE STANDARDS OF THE AMERICAN SOCIETY
17 FOR TESTING AND MATERIALS (ASTM) INTERNATIONAL STANDARDS D6400 OR D6868
18 FOR BIODEGRADABLE AND COMPOSTABLE PLASTICS AS THOSE STANDARDS MAY BE
19 AMENDED.
20 3. "COMPOSTABLE" MEANS ALL THE MATERIALS IN THE PRODUCT OR PACKAGE
21 WILL BREAK DOWN INTO, OR OTHERWISE BECOME PART OF USABLE COMPOST (E.G.,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets { } is old law to be omitted.

LBD11271-02-7

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2

1 SOIL-CONDITIONING MATERIAL, MULCH) IN A SAFE AND TIMELY MANNER IN AN
2 APPROPRIATE COMPOSTING PROGRAM OR FACILITY OR IN A HOME COMPOST PILE OR
3 DEVICE. COMPOSTABLE DISPOSABLE FOOD SERVICE WARE INCLUDES, BY WAY OF
4 EXAMPLE, ASTM STANDARD BIO-PLASTICS (PLASTIC-LIKE PRODUCTS) THAT ARE
5 CLEARLY LABELED, PREFERABLY WITH A COLOR SYMBOL, SUCH THAT ANY COMPOST
6 COLLECTOR AND PROCESSOR CAN EASILY DISTINGUISH THE ASTM STANDARD
7 COMPOSTABLE PLASTIC FROM NON-ASTM STANDARD COMPOSTABLE PLASTIC. FOR THE
8 PURPOSES OF THIS TITLE THE TERM BIODEGRADABLE SHALL HAVE THE SAME MEAN-
9 ING AS COMPOSTABLE. THIS TITLE USES THE TERMS BIODEGRADABLE AND COMPOST-
10 ABLE INTERCHANGEABLY AND IN ALL CASES WHETHER THE TERMS ARE USED SEPA-
11 RATELY, IN THE DISJUNCTIVE OR IN THE CONJUNCTIVE THEY SHALL ALWAYS BE
12 INTERPRETED AND APPLIED CONSISTENT WITH THIS DEFINITION OF THE TERM
13 "COMPOSTABLE".

14 4. "MUNICIPAL CONTRACTORS AND LESSEES" MEANS ANY PERSON OR ENTITY THAT
15 HAS A CONTRACT WITH THE MUNICIPALITY FOR PUBLIC WORKS OR IMPROVEMENTS TO
16 BE PERFORMED, FOR A FRANCHISE, CONCESSION OR LEASE OF PROPERTY, FOR
17 GRANT MONIES OR GOODS AND SERVICES OR SUPPLIES TO BE PURCHASED AT THE
18 EXPENSE OF THE MUNICIPALITY OR TO BE PAID OUT OF MONIES DEPOSITED IN THE
19 TREASURY OR OUT OF TRUST MONIES UNDER THE CONTROL OR COLLECTED BY THE
20 MUNICIPALITY.

21 5. "MUNICIPAL FACILITY" MEANS ANY BUILDING, STRUCTURE OR VEHICLE OWNED
22 OR OPERATED BY THE MUNICIPALITY.

23 6. "MUNICIPAL FACILITY FOOD PROVIDER" MEANS AN ENTITY THAT PROVIDES,
24 BUT DOES NOT SELL, PREPARED FOOD IN MUNICIPAL FACILITIES.

25 7. "DISPOSABLE FOOD SERVICE WARE" MEANS ALL CONTAINERS, BOWLS, PLATES,
26 TRAYS, CARTONS, CUPS, LIDS, STRAWS, FORKS, SPOONS, KNIVES, NAPKINS AND
27 OTHER ITEMS THAT ARE DESIGNED FOR ONE-TIME USE FOR PREPARED FOODS,
28 INCLUDING WITHOUT LIMITATION, SERVICE WARE FOR TAKEOUT FOODS AND/OR
29 LEFTOVERS FROM PARTIALLY CONSUMED MEALS PREPARED BY FOOD VENDORS. THE
30 TERM "DISPOSABLE FOOD SERVICE WARE" DOES NOT INCLUDE ITEMS COMPOSED
31 ENTIRELY OF ALUMINUM OR POLYSTYRENE FOAM COOLERS AND ICE CHESTS THAT ARE
32 INTENDED FOR REUSE NOR DOES THIS TERM INCLUDE RECYCLABLE FOOD SERVICE
33 WARE.

34 8. "FOOD VENDOR" MEANS ANY RESTAURANT OR RETAIL FOOD VENDOR LOCATED OR
35 OPERATING WITHIN THE MUNICIPALITY.

36 9. "MUNICIPALITY" MEANS THE SAME AS SUCH TERM IS DEFINED IN SECTION
37 27-0501 OF THIS ARTICLE.

38 10. "PERSON" MEANS AN INDIVIDUAL, TRUST, FIRM, JOINT STOCK COMPANY,
39 CORPORATION, INCLUDING A GOVERNMENT CORPORATION, PARTNERSHIP, OR ASSOCI-
40 ATION.

41 11. "POLYSTYRENE FOAM" MEANS BLOWN POLYSTYRENE AND EXPANDED AND
42 EXTRUDED FOAMS (SOMETIMES CALLED STYROFOAM TM) WHICH ARE THERMOPLASTIC
43 PETROCHEMICAL MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY ANY
44 NUMBER OF TECHNIQUES INCLUDING, BUT NOT LIMITED TO, FUSION OF POLYMER
45 SPHERES (EXPANDABLE BEAD POLYSTYRENE), INJECTION MOLDING, FOAM MOLDING,
46 AND EXTRUSION-BLOWN MOLDING (EXTRUDED FOAM POLYSTYRENE). POLYSTYRENE
47 FOAM IS GENERALLY USED TO MAKE CUPS, BOWLS, PLATES, TRAYS, CLAMSHELL
48 CONTAINERS, MEAT TRAYS AND EGG CARTONS.

49 12. "PREPARED FOOD" MEANS FOOD OR BEVERAGES, WHICH ARE SERVICED, PACK-
50 AGED, COOKED, CHOPPED, SLICED, MIXED, BREWED, FROZEN, SQUEEZED OR OTHER-
51 WISE PREPARED (COLLECTIVELY "PREPARED") FOR INDIVIDUAL CUSTOMERS OR
52 CONSUMERS. FOR THE PURPOSE OF THIS TITLE, PREPARED FOOD INCLUDES TAKEOUT

53 FOOD, BUT DOES NOT INCLUDE RAW, BUTCHERED MEATS, FISH AND/OR POULTRY
54 SOLD FROM A BUTCHER CASE OR SIMILAR RETAIL APPLIANCE.
55 13. "RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSSED AND
56 RECONSTITUTED USING AVAILABLE RECYCLING COLLECTION PROGRAMS FOR THE

S. 6402

3

1 PURPOSE OF USING THE ALTERED FORM IN THE MANUFACTURE OF A NEW PRODUCT.
2 RECYCLING DOES NOT INCLUDE BURNING, INCINERATING, CONVERTING, OR OTHER-
3 WISE THERMALLY DESTROYING SOLID WASTE.

4 14. "RESTAURANT" MEANS ANY ESTABLISHMENT LOCATED WITHIN A MUNICIPALITY
5 THAT SELLS PREPARED FOOD FOR CONSUMPTION ON, NEAR, OR OFF ITS PREMISES.
6 FOR PURPOSES OF THIS TITLE, THE TERM INCLUDES A RESTAURANT OPERATING
7 FROM A TEMPORARY FACILITY, CART, VEHICLE OR MOBILE UNIT.

8 15. "RETAIL FOOD VENDOR" MEANS ANY STORE, SHOP, SALES OUTLET, OR OTHER
9 ESTABLISHMENT, INCLUDING A GROCERY STORE, DELICATESSEN OR RESTAURANT,
10 LOCATED WITHIN THE MUNICIPALITY THAT SELLS PREPARED FOOD.

11 S 27-2503. PROHIBITED DISPOSABLE FOOD SERVICE WARE.

12 1. RETAIL FOOD VENDORS SHALL NOT SELL PREPARED FOOD IN DISPOSABLE FOOD
13 SERVICE WARE THAT CONTAINS POLYSTYRENE FOAM.

14 2. MUNICIPAL FACILITY FOOD PROVIDERS SHALL NOT PROVIDE PREPARED FOOD
15 IN DISPOSABLE FOOD SERVICE WARE THAT CONTAINS POLYSTYRENE FOAM.

16 3. MUNICIPAL DEPARTMENTS SHALL NOT PURCHASE, ACQUIRE OR USE DISPOSABLE
17 FOOD SERVICE WARE THAT CONTAINS POLYSTYRENE FOAM.

18 4. MUNICIPAL CONTRACTORS AND LESSEES SHALL NOT USE DISPOSABLE FOOD
19 SERVICE WARE THAT CONTAINS POLYSTYRENE FOAM IN MUNICIPAL FACILITIES AND
20 WHILE PERFORMING UNDER A MUNICIPAL CONTRACT OR LEASE.

21 S 27-2505. REQUIRED COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD SERVICE
22 WARE.

23 1. ALL FOOD VENDORS USING ANY DISPOSABLE FOOD SERVICE WARE SHALL USE A
24 SUITABLE AFFORDABLE ALTERNATIVE COMPOSTABLE OR RECYCLABLE PRODUCT,
25 UNLESS THERE IS NO SUITABLE AFFORDABLE COMPOSTABLE OR RECYCLABLE PRODUCT
26 AVAILABLE AS DETERMINED BY THE MUNICIPALITY IN ACCORDANCE WITH THIS
27 SUBDIVISION. NOT LATER THAN THIRTY DAYS BEFORE THE EFFECTIVE DATE OF
28 THIS TITLE, THE COMMISSIONER SHALL ADOPT A LIST OF AVAILABLE SUITABLE
29 AFFORDABLE COMPOSTABLE OR RECYCLABLE ALTERNATIVES FOR EACH PRODUCT TYPE.
30 THE MUNICIPALITY SHALL REGULARLY UPDATE THE LIST.

31 2. ALL MUNICIPAL FACILITY FOOD PROVIDERS AND MUNICIPAL DEPARTMENTS
32 USING ANY DISPOSABLE FOOD SERVICE WARE SHALL USE COMPOSTABLE OR RECYCLA-
33 BLE DISPOSABLE FOOD SERVICE WARE UNLESS THERE IS NO AFFORDABLE COMPOSTA-
34 BLE OR RECYCLABLE PRODUCT AVAILABLE AS DETERMINED BY THE MUNICIPALITY IN
35 ACCORDANCE WITH SUBDIVISION 1 OF SECTION 27-2503 OF THIS TITLE.

36 3. MUNICIPAL CONTRACTORS AND LESSEES USING ANY DISPOSABLE FOOD SERVICE
37 WARE SHALL USE COMPOSTABLE OR RECYCLABLE DISPOSABLE FOOD SERVICE WARE IN
38 MUNICIPAL FACILITIES AND WHILE PERFORMING UNDER A MUNICIPAL CONTRACT OR
39 LEASE UNLESS THERE IS NO AFFORDABLE COMPOSTABLE OR RECYCLABLE PRODUCT
40 AVAILABLE AS DETERMINED BY THE MUNICIPALITY IN ACCORDANCE WITH SUBDIVI-
41 SION 1 OF SECTION 27-2503 OF THIS TITLE.

42 S 27-2507. POWERS OF MUNICIPALITIES.

43 1. ANY MUNICIPALITY MAY PROMULGATE REGULATIONS, ORDINANCES, OR LAWS
44 TO TAKE ANY AND ALL OTHER REASONABLE ACTIONS NECESSARY TO IMPLEMENT AND
45 ENFORCE THIS TITLE.

46 2. ANY PERSON MAY SEEK A WAIVER FROM THE REQUIREMENTS OF SECTION
47 27-2505 OF THIS TITLE BY FILING A REQUEST ON A FORM PROVIDED BY THE
48 MUNICIPALITY. THE MUNICIPALITY MAY, CONSISTENT WITH THIS TITLE, WAIVE
49 ANY SPECIFIC REQUIREMENT OF THIS TITLE FOR A PERIOD OF UP TO ONE YEAR IF
50 THE PERSON SEEKING THE WAIVER HAS DEMONSTRATED THAT STRICT APPLICATION
51 OF THE REQUIREMENT WOULD CREATE AN UNDUE HARDSHIP OR PRACTICAL DIFFICUL-
52 TY NOT GENERALLY APPLICABLE TO OTHER PERSONS IN SIMILAR CIRCUMSTANCES.

53 THE MUNICIPALITY'S DECISION TO GRANT OR DENY SUCH A WAIVER SHALL BE IN
54 WRITING AND SHALL BE FINAL.

55 3. ALL MUNICIPAL CONTRACTS AND LEASES, INCLUDING WITHOUT LIMITATION,
56 CONTRACTS WITH MUNICIPAL FACILITY FOOD PROVIDERS, SHALL CONTAIN THE

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4

1 FOLLOWING MINIMUM LANGUAGE: "CONTRACTOR AGREES TO COMPLY FULLY WITH AND
2 BE BOUND BY ALL OF THE PROVISIONS OF THE FOOD SERVICE WASTE REDUCTION
3 ACT, AS PROVIDED IN TITLE 25 OF ARTICLE 27 OF THE ENVIRONMENTAL CONSER-
4 VATION LAW, INCLUDING THE REMEDIES PROVIDED, AND IMPLEMENTING GUIDELINES
5 AND RULES. THE PROVISIONS OF SUCH LAW ARE INCORPORATED HEREIN BY REFER-
6 ENCE AND MADE A PART OF THIS AGREEMENT AS THOUGH FULLY SET FORTH. THIS
7 PROVISION IS A MATERIAL TERM OF THIS AGREEMENT. BY ENTERING INTO THIS
8 AGREEMENT, CONTRACTOR AGREES THAT IF IT BREACHES THIS PROVISION, MUNICI-
9 PALITY WILL SUFFER ACTUAL DAMAGES THAT WILL BE IMPRACTICAL OR EXTREMELY
10 DIFFICULT TO DETERMINE; FURTHER, CONTRACTOR AGREES THAT THE SUM OF ONE
11 HUNDRED DOLLARS (\$100.00) LIQUIDATED DAMAGES FOR THE FIRST BREACH, TWO
12 HUNDRED DOLLARS (\$200.00) LIQUIDATED DAMAGES FOR THE SECOND BREACH IN
13 THE SAME YEAR, AND FIVE HUNDRED DOLLARS (\$500.00) LIQUIDATED DAMAGES FOR
14 SUBSEQUENT BREACHES IN THE SAME YEAR IS A REASONABLE ESTIMATE OF THE
15 DAMAGE THAT MUNICIPALITY WILL INCUR BASED ON THE VIOLATION, ESTABLISHED
16 IN LIGHT OF THE CIRCUMSTANCES EXISTING AT THE TIME THIS AGREEMENT WAS
17 MADE. SUCH AMOUNTS SHALL NOT BE CONSIDERED A PENALTY, BUT RATHER AGREED
18 MONETARY DAMAGES SUSTAINED BY MUNICIPALITY BECAUSE OF CONTRACTOR'S FAIL-
19 URE TO COMPLY WITH THIS PROVISION."

20 S 3. The environmental conservation law is amended by adding a new
21 section 71-2728 to read as follows:

22 S 71-2728. ENFORCEMENT OF SECTIONS 27-2503 AND 27-2505.

23 1. THE MUNICIPALITY SHALL ISSUE A WRITTEN WARNING TO ANY PERSON THE
24 MUNICIPALITY DETERMINES IS VIOLATING SECTION 27-2503 OR 27-2505 OF THIS
25 CHAPTER. IF AFTER ISSUING A WRITTEN WARNING OF VIOLATION FROM THE MUNI-
26 CIPALITY, THE MUNICIPALITY FINDS THAT PERSON CONTINUES TO VIOLATE THE
27 PROVISIONS OF SECTION 27-2503 OR 27-2505, THE MUNICIPALITY MAY IMPOSE
28 THE VARIOUS SANCTIONS PROVIDED IN THIS SECTION.

29 2. ANY PERSON WHO VIOLATES THE PROVISIONS OF SECTION 27-2503 OR
30 27-2505 OF THIS CHAPTER SHALL BE GUILTY OF A VIOLATION. IF CHARGED AS A
31 VIOLATION, UPON CONVICTION THEREOF, SUCH PERSON SHALL BE PUNISHED FOR
32 THE FIRST OFFENSE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS FOR A
33 FIRST VIOLATION; NOT MORE THAN TWO HUNDRED DOLLARS FOR A SECOND
34 VIOLATION IN THE SAME YEAR AND NOT MORE THAN TWO HUNDRED FIFTY DOLLARS
35 FOR EACH SUBSEQUENT VIOLATION IN THE SAME YEAR.

36 3. THE MUNICIPALITY MAY ISSUE AN ADMINISTRATIVE CIVIL LIABILITY CITA-
37 TION TO SUCH PERSON IN AN AMOUNT NOT EXCEEDING ONE HUNDRED DOLLARS FOR
38 THE FIRST VIOLATION, AN AMOUNT NOT EXCEEDING TWO HUNDRED DOLLARS FOR THE
39 SECOND VIOLATION, AND NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR EACH
40 SUBSEQUENT VIOLATION AGAINST THE SAME PERSON.

41 S 4. This act shall take effect on the three hundred sixty-fifth day
42 after it shall have become a law.

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