

CITY OF
HAYWARD
HEART OF THE BAY

**Introduction of Ordinance Prohibiting Polystyrene
Foam Food Service Ware**

**City Council Public Meeting
October 12, 2010**

Alex Ameri, Deputy Director of Public Works

Utilities Division - Solid Waste Program
Public Works Department



Introduction

- March 3, Council Sustainability Committee Meeting
- July 7, Council Sustainability Committee Meeting
- July 12, Economic Development Committee Review



Ordinance Provisions

Ordinance Goals

- Restrict use of polystyrene foam food service containers
- Shift to multiple-use containers, where possible
- Use recyclable or compostable food service containers
- Consistency with Climate Action Plan to evaluate banning polystyrene from landfills
- Reduce polystyrene litter and threat to natural ecosystems



Ordinance Provisions

Requirements

- Use acceptable containers for foods/beverages prepared for consumption within the City
- Excludes foods pre-packaged outside City limits
- Excludes single-use straws, coffee stirrs, utensils, hot cup lids
- Excludes uncooked meat, fish, poultry, or eggs, unless provided for consumption without further preparation
- Applies to packaging controlled by or at discretion of a business owner



Ordinance Applicability

- Retail Food Vendors

E.g., restaurants, supermarkets, delicatessens, farmers' markets, outdoor vendors, retail food vendors

- Includes individuals or groups requiring a permit to reserve or rent a City facility, plaza, sidewalk or roadway
- Applies to City facilities
- Exceptions available for undue hardship
- Complaint-based enforcement
- July 2011 implementation to allow depletion of inventory of containers



Economic Impacts

- Estimated cost by container type:
 - Polystyrene container: 2% - 3% of total cost per food item
 - Sustainable container: 4% - 5% of total cost per food item
- Estimated additional cost per month: \$150 - \$250
- Actual costs depend on amount & types of disposable food service ware used
- Comparable cost estimates prepared by Richmond, Millbrae, and Save the Bay
- Local vendors available: Costco and Smart & Final; others available at www.stopwaste.org



Public Contact

- July 7 Council Sustainability Committee

Opponents' comments:

Delay ordinance until economy improves

Ban all retail sales of polystyrene foam containers to equitably apply the ordinance

Cost impacts in present economic conditions

Statewide ban on polystyrene not anticipated

Committee recommended approval by City Council



Public Contact

- July 12 Economic Development Committee
Recommended ordinance become effective January 1, 2012
- Chamber of Commerce Position
Request delayed consideration or later implementation date
- Survey of Restaurants' Use of Polystyrene Food Service Ware
95 primarily non-chain, small- to medium-size restaurants
Nearly all reported using polystyrene food service ware



Other Major Agencies and Institutions

- H.A.R.D.: District-wide
- H.U.S.D.: Interest in doing so; unable to afford the anticipated costs
- CSUEB: Indicates Vendors already have switched to paper
- Chabot College: No information to date
- St. Rose Hospital: Planned conversion by July 2011
- Kaiser Hospital: Already uses only sustainable containers



Summary of “For” and “Against”

FOR:

- Save the Bay
- Clean Water Action

Reasons: Impact on health the environment, and marine ecosystems.

AGAINST:

- American Chemical Council
- Chamber of Commerce

Reasons: Impact on plastic industry and on businesses in Hayward; also, no real reduction in litter.



Other Municipalities' Ordinances

- Adoption by Other Municipalities

Forty six municipalities statewide

Six in Alameda County: Alameda, Albany, Berkeley, Emeryville, Fremont, and Oakland

Others Nearby: Palo Alto, Richmond, San Bruno, San Francisco, South San Francisco, San Mateo County

Confirmed compliance by businesses in Emeryville, Oakland, Millbrae, Palo Alto and Richmond



Schedule of Next Steps

Beginning November: Develop and disseminate outreach materials to affected businesses

December – May: Six-month period to allow depletion of inventory and conduct outreach

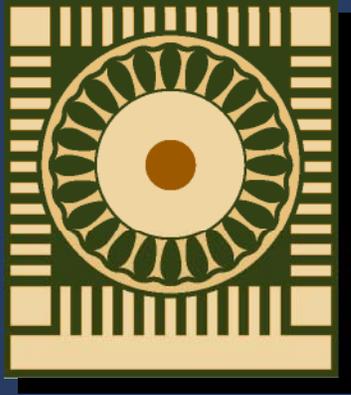
July 1, 2011: Effective date of ordinance



Recommendation

- Adopt resolution adopting negative declaration
- Conduct public hearing
- Introduce the ordinance





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