



# Expanded Polystyrene (Styrofoam™) Ban Enacted



On February 9, 2016 the City Council passed an ordinance regulating the use and sale of expanded polystyrene (also called EPS, white plastic foam, or commonly referred to as Styrofoam™) food containers and products in the City. The ordinance will help to protect the City's natural environment and decrease the amount of waste sent to landfills.

Please note, after May 1, 2016, EPS products used for food and drink containers or for sale, such as disposable foam coolers, will be prohibited, and enforcement of this new code will begin. Enforcement can include warnings up to penalties for violations of this ordinance.

## REQUIREMENTS FOR AFFECTED BUSINESSES

### For restaurants and food providers:

The ordinance prohibits restaurants and food providers in the City from using EPS food and drink containers and requires that a recyclable, compostable or biodegradable product be used instead. Acceptable alternative products include, but are not limited to, uncoated paper, coated paper, cardboard, aluminum foil, compostable or "bio-products" and other non-foam, plastic containers with the "chasing arrow" symbol numbers 1-7.

### For grocery stores and other retailers:

The ordinance would prohibit the retail sale of any EPS product such as disposable foam coolers, cups, plates, bowls and packing peanuts unless as exempted.

## EXEMPTIONS

Exemptions are provided for certain products including:

- Foam trays for uncooked meats
- Food prepared or packaged outside of the City
- Packing materials which have been collected for reuse
- Products that contain EPS, but are encased in a more durable material (e.g. rigid plastic covered foam coolers)

In addition, food providers have the ability to apply for a one time, 6-month exemption from Section 8.17.020(A) of the ordinance upon written application to the City Manager showing this Section would create an undue hardship or practical difficulty. The City Manager or his designee may approve the exemption application in whole or in part, with or without conditions and may request additional information to make a determination.

Please visit [www.morrobayca.gov/eps](http://www.morrobayca.gov/eps) for more information or call Janeen Burlingame at 772-6263.



## What is Expanded Polystyrene (EPS)?

Expanded Polystyrene is a white, plastic foam commonly used for disposable food and drink containers such as cups, plates and clamshell containers. EPS is also used to make disposable foam coolers and packing peanuts for shipping.

## Why is EPS now regulated?

EPS products are commonly only used once and are not recyclable. When discarded, EPS can be blown from trash receptacles and disposal sites. EPS breaks easily into smaller pieces, does not biodegrade, and can be ingested by wildlife. EPS comprises 15% of the litter found in storm drains and is the second most common type of litter on California beaches.

## What makes food containers biodegradable, compostable or recyclable?

“Biodegradable” means a product or package will completely break down and return to nature; decomposing into natural elements within a reasonably short period of time.

“Compostable” means a product or package will break down into, or become part of, usable compost (such as mulch) in an appropriate composting program or facility.

“Recyclable” means a product can be recycled as part of the City’s Recycling Program, including uncoated paper, coated paper, cardboard, aluminum foil and other non-foam, plastic containers with the “chasing arrow” symbol numbers 1–7.

## What are the alternatives to EPS?

Alternative products include: uncoated paper, coated paper, cardboard, aluminum foil, compostable or “bio-products” and other non-foam, plastic containers with the “chasing arrow” symbol numbers 1–7. Please consult with your packaging supplier for the alternative that is right for your business.

## To whom does the ordinance apply?

All businesses in the City of Morro Bay including: restaurants, bars & pubs, cafeterias, caterers & event organizers, convenience & liquor stores, delis & coffee shops, ice cream & yogurt shops, mobile food vendors, grocery & drug stores, or retail outlets. City-approved special events within the City of Morro Bay must also comply with the proposed ordinance.

## Are there exemptions?

The ordinance provides for a written application to request a one time 6-month exemption from Section 8.17.020(A). The application must show this Section would create an undue hardship or practical difficulty.

There are also standing exemptions for foam trays for uncooked meats, foods prepared or packaged outside the city, packing materials which have been collected for reuse and products that contain EPS, but are encased in a more durable material (e.g. rigid plastic covered foam coolers).