

Single Use Plastic Reduction Ordinance

Effective April 1, 2023

Presented March 7, 2023

Jennifer Ott

Background

- City Council passed Single Use Plastic Reduction Ordinance in January 2019
- Ordinance was challenged and effectively "stayed"
- Ordinance was not implemented
- City prepared and completed an Environmental Impact Report
- City Council passed Single Use Plastic Reduction Ordinance in December 2022



Background

- Polystyrene foam, commonly known as “Styrofoam” is a threat to the environment in San Diego as litter which can be ingested by birds, fish, and other organisms.
- Polystyrene foam recycling is energy intensive and costly.
- Polystyrene foam is a potential nuisance contaminant in organic waste recycling.



Background (continued)

- Single-use straws and eating utensils are made of plastic and are a threat to the environment
- Plastic is not biodegradable.
- Single-use plastics are a potential nuisance contaminant in both the recycling and organic waste recycling streams.



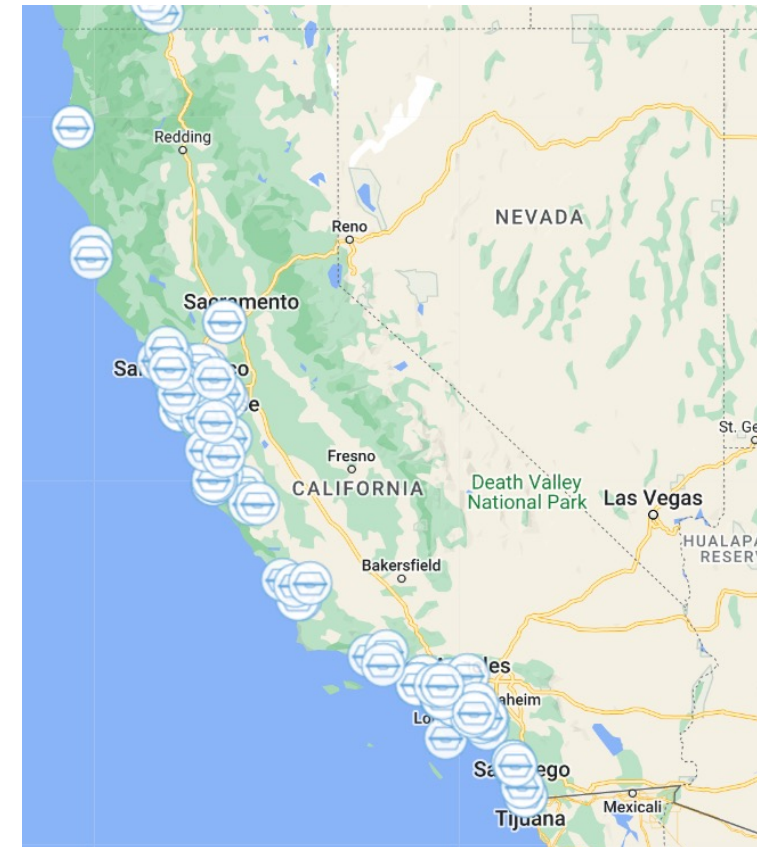
Supports Local Goals

- City of San Diego Climate Action Plan, Strategy 4, Circular Economy and Clean Communities, Measure 4.1, Changes to the Waste Stream calls for the following Action:
 - Approve and implement the Polystyrene Foam and Single Use Plastics Ordinance, pending Environmental Impact Report
- Zero Waste Plan:
 - Reduce landfill disposal by 90% by 2035
 - Promote local policies and ordinances that encourage manufacturers, consumers, and waste producers to be responsible for waste



Other California Ordinances

- Over 130 jurisdictions in California have ordinances addressing polystyrene foam including:
 - Alameda County, Long Beach, Los Angeles, Oakland, San Francisco, and San Jose
 - Carlsbad, Del Mar, Encinitas, Imperial Beach, Solana Beach



Ordinance

- No person or business may distribute food service ware, food trays, or egg cartons made, in whole or in part, from polystyrene foam.
- No person or business may distribute the following if made in whole or part from polystyrene foam unless wholly encapsulated within another material:
 - Coolers, ice chests, or similar containers
 - Pool or beach toys
 - Dock floats, mooring buoys, anchor or navigation markers
- No person shall use polystyrene foam products at City facilities (including parks and beaches).



Ordinance (continued)

- A food vendor may only offer plastic and bio-plastic straws and utensils **upon request**.
- Ordinance does not prohibit businesses from providing a self-service station for customers
- The ordinance does not prohibit asking the customer if they would like to be given a straw or utensils



Ordinance Definitions

- *Utensils* - straw, fork, spoon, or knife made of plastic derived from petroleum or bio-plastics.
- *Food service ware* – containers, bowls, plates, trays, cups, lids, and other similar items, that are designed for one-time use for prepared food, including takeout food or leftovers.
- *Food tray* – a tray commonly used for packaging food to retail consumers
- *Prepared food* – food or beverages which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared... but does not include raw eggs or butchered meats, fish, or poultry

Alternatives to polystyrene foam

Preferred

Material	Product	Comments
Reusable service ware (ceramic, glass, reusable plastic, etc.).	Reusable plates, bowls and cups.	Wash and reuse.
Paper (coated or uncoated).	Bowls, plates, trays, cups, hinged containers, boxes.	Recyclable if dry and free of food and food residue.
Aluminum.	Trays, lidded containers, wrap.	Recyclable if free of food.
Plastic (rigid, non-foam).	Bowls, plates, trays, cups, lids, hinged containers.	Recyclable if free of food.

Alternatives to polystyrene foam (continued)

NOT Preferred

Material	Product	Comments
"Compostable" and "biodegradable" plastic, sugarcane, bagasse, bamboo, molded fiber and other similar items.	Bowls, plates, trays, cups, hinged containers, boxes, lids, wrap.	Not Recyclable, must be placed in trash. Not accepted in local recycling or composting programs. Does not help San Diego reach its zero waste goals.

Unsure about your options?

Ask your current supplier about alternatives to polystyrene foam.

Waivers

- **Automatic** - 12-month delayed implementation for businesses with income of less than \$500,000/year on most recent federal income tax filing.
- Waivers are available for:
 - **Feasibility-based hardship** - in the case that no reasonably feasible alternative to polystyrene foam exists
 - **Financial hardship** - for entities with income of less than \$500,000 per year and for which there is no suitable and reasonably affordable alternative product available (after April 1, 2024)
 - **Contractual requirement** - one-year waiver available for entities with a contract that was in place before the effective date of the ordinance to purchase non-compliant material





Waivers (continued)

- Waivers must be submitted to and approved by ESD.
- May include conditions including periodic check-ins with ESD to report progress
- If granted, waivers can be approved for up to 24 months
- To request waiver form, email sdrecyclingworks@sandiego.gov

The City of  Single Use Plastic Reduction Ordinance Waiver Form

Use this form to apply for a temporary waiver from some of the requirements of the Single Use Plastics Reduction Ordinance.

NOTE: There is an automatic waiver in place through March 31, 2024 for business entities with a gross annual income of less than \$500,000 on their most recent federal income tax filing.

Application is for: <input type="checkbox"/> A new waiver <input type="checkbox"/> A waiver renewal	Waiver type (please select one): <input type="checkbox"/> Feasibility-based hardship <input type="checkbox"/> Financial hardship <input type="checkbox"/> Contractual requirement
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Per City of San Diego Ordinance O-21588, adopted on December 8, 2022, no person shall distribute food service ware or food trays, made in whole or in part, from polystyrene foam on or after April 1, 2023.

SECTION A: (To be filled out by all applicants)

Pursuant to the provisions of San Diego Municipal Code 66.0906, a waiver from the provisions of section 66.0902(a) regarding food service ware and/or food trays is hereby requested. The Director of the Environmental Services Department may require the applicant to submit additional information or documentation before making a determination regarding the waiver.

Name of person applying for waiver (last name, first name, middle initial):
Name of business or organization:

Exception

- It shall not be a violation of section 66.0902(a) to distribute prepared food packaged in food service ware or use food trays made, in whole or in part, from polystyrene foam, if the prepared food is packaged outside the City and is provided to the consumer as originally packaged.
- Prepared food means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared within the City of San Diego for individual consumers. Prepared food includes takeout food, but does not include raw eggs or raw, butchered meats, fish, or poultry.

Enforcement

- Education-first approach
 - SD is committed to educating businesses about the ordinance and how to comply.
- Penalties for non-compliance would be issued as a last resort and may result in fines.
- Enforcement will be largely complaint based. First step will be to provide technical assistance, second step is written warning, Notice of Violation and citations could follow in cases of continued or egregious violations.

Adopted California Laws

- SB 54 - restricts the distribution of polystyrene foam in the state starting on January 1, 2025, if the recycling rate for polystyrene foam in California does not exceed 25% at that time
- AB 1884 and 1276 - restrict the distribution of straws, single-use utensils and condiment packets by food facilities (complements City's ordinance) unless requested



Laws regarding reusables

CA Retail Food Code Section 114075 regarding refilling beverages.

AB 619 amended Sections 114121 and 114353 of the Health and Safety Code regarding handling of consumer-owned containers.



Outreach and Implementation

- Technical assistance provided to impacted businesses
- Education-first approach to enforcement
- Mailer to affected businesses
- Working with community groups, environmental groups, trade associations, and others to inform the public and those entities impacted by the law on how to comply.
- Web page dedicated to the ordinance, and an email list on which to make announcements and distribute materials.
- ESD will provide sample signage (posters and table tents) for affected entities to inform customers of the restrictions.

Outreach and Implementation

- Poster and table tent for restaurants/ businesses

SAN DIEGO SINGLE USE PLASTICS REDUCTION ORDINANCE

EFFECTIVE APRIL 1, 2023

	<p>Food vendors may only distribute plastic (and bio-plastic) straws and utensils upon the request of the customer and/or provide them at self-service stations.</p>
	<p>The distribution of most polystyrene foam products is prohibited. This includes food service ware such as: egg cartons, bowls, plates, trays, cups, lids, hinged containers and other similar items designed for one-time use for prepared foods, including containers for eating in, takeout food or leftovers.</p>

NO

Polystyrene foam, plastic utensils and straws litter the environment, harm wildlife and do not decompose or biodegrade.

YES

The City of
SAN DIEGO

858-694-7000 | www.sandiego.gov/pf-ban | sdrecyclingworks@sandiego.gov

TOGETHER WE CAN REDUCE WASTE AND LITTER!
Visit sandiego.gov/pf-ban for more information.

SAN DIEGO SINGLE USE PLASTICS REDUCTION ORDINANCE

Polystyrene foam, plastic utensils and straws litter the environment, harm wildlife and do not decompose or biodegrade.

- Polystyrene foam food service ware **MAY NOT** be distributed.
- Plastic straws and utensils only available upon request (and/or at self-service stations).

TOGETHER WE CAN REDUCE WASTE AND LITTER!
Visit sandiego.gov/pf-ban for more information.

Polystyrene foam, plastic utensils and straws litter the environment, harm wildlife and do not decompose or biodegrade.

- Polystyrene foam food service ware **MAY NOT** be distributed.
- Plastic straws and utensils only available upon request (and/or at self-service stations).

NO

YES

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SAN DIEGO

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ESD Web Page Resources

- www.sandiego.gov/pf-ban
- Access all information, including:
- the ordinance language
- information on alternatives to polystyrene foam
- and business resources (poster and table tent)

The screenshot shows the 'Environmental Services' website. The main heading is 'Environmental Services'. Below it is a navigation menu with links: 'Environmental Services Home', 'Collection Services', 'Miramar Landfill & Greenery', 'Recycling Programs', 'Hazardous Waste', and 'About Us'. The main content area is titled 'San Diego Single Use Plastic Reduction Ordinance'. Below the title is a link to the ordinance and the text 'Starting April 1, 2023:'. A list of items is provided, including polystyrene foam containers, single use plastic straws, and various items that may not be distributed if made from polystyrene foam. On the right side, there is a sidebar titled 'Recycling Programs' with a list of links: 'Recycling Programs Home', 'Recycling Ordinance', 'New Organic Waste Recycling Program', 'Backyard Composting', 'Bring Your Own Bag', 'Business Recycling', 'Construction & Demolition (C&D) Recycling', 'Commercial Food Waste Recycling', 'Environmentally Preferable Purchasing Program (EP³)', 'Military Recycling', 'Miramar Greenery', 'Recycling Events', and 'Recycling Centers'.

Environmental Services

[Environmental Services Home](#) [Collection Services](#) [Miramar Landfill & Greenery](#) [Recycling Programs](#) [Hazardous Waste](#) [About Us](#)

San Diego Single Use Plastic Reduction Ordinance

[San Diego Single Use Plastic Reduction Ordinance](#)

Starting April 1, 2023:

- **Polystyrene foam** containers are prohibited from distribution and sale. This includes food service ware such as bowls, plates, trays, cups, lids, and other similar items, as well as egg cartons and meat trays.
- Single use plastic (or bio-plastic) straws and utensils may only be provided upon the request of the customer.
- The following may not be distributed if made from polystyrene foam unless encased within another material:
 - Coolers, ice chests, or similar containers.
 - Pool or beach toys.
 - Dock floats, mooring buoys, or anchor or navigation markers.

Recycling Programs

- [Recycling Programs Home](#)
- [Recycling Ordinance](#)
- [New Organic Waste Recycling Program](#)
- [Backyard Composting](#)
- ▶ [Bring Your Own Bag](#)
- [Business Recycling](#)
- [Construction & Demolition \(C&D\) Recycling](#)
- [Commercial Food Waste Recycling](#)
- ▶ [Environmentally Preferable Purchasing Program \(EP³\)](#)
- [Military Recycling](#)
- [Miramar Greenery](#)
- [Recycling Events](#)
- [Recycling Centers](#)

ESD Web Page Resources (continued)

- All polystyrene foam products are prohibited from City facilities (including special events, parks and beaches).
- Waivers are available for feasibility-based hardships, financial hardships, and contractual requirements. (Waiver application will be available soon).
- Please review the entire Ordinance language linked above for more details.

NOTE: There is an automatic waiver through March 31, 2023 for entities with gross income less than \$500,000 on most recent federal income tax filing.

WHY?

Polystyrene foam products are typically used one time before being discarded, and due to their light weight can easily become litter. Polystyrene foam litter breaks down into small pieces which do not biodegrade and often end up in streets, canyons, waterways, storm drains, and eventually the ocean, where it harms wildlife that mistakenly ingest it.

Plastic straws are a significant contributor to marine pollution and are among the most common forms of litter collected on California beaches. They are not accepted in local recycling programs.

The Single Use Plastic Reduction Ordinance will help San Diego reach its [Zero Waste](#) goals and help maintain clean and beautiful beaches and public spaces. The Ordinance will also meet the objectives of the City's Climate Action Plan.

Alternatives to Polystyrene Foam

Preferred

Material	Product	Comments
Reusable service ware (ceramic, glass, reusable plastic, etc.).	Reusable plates, bowls and cups.	Wash and reuse.
Paper (coated or uncoated).	Bowls, plates, trays, cups, hinged containers, boxes.	Recyclable if dry and free of food and food residue.
Aluminum.	Trays, lidded containers, wrap.	Recyclable if free of food.
Plastic (rigid, non-foam).	Bowls, plates, trays, cups, lids, hinged containers.	Recyclable if free of food.

- [Residential Recycling](#)
- [School Recycling](#)
- [Single Use Plastic Reduction Ordinance](#)
- [Videos](#)
- [Household Hazardous Waste Transfer Facility](#)
- [Used Oil and Oil Filter Recycling](#)

Contact/Questions

858-694-7000 or sdrecyclingworks@sandiego.gov

Receive Email Updates about the Polystyrene and Single Use Plastics Ordinance

* indicates required

First Name

Last Name

Company/Organization

Email Address *

Phone Number

- Sign up for newsletter to receive updates about the ordinance, announcements and material distribution.





Thank You

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