



# CITY OF MILPITAS

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## Proposed Expanded Polystyrene Ordinance FACTSHEET

### **What does this ordinance propose?**

No food vendor shall sell or otherwise provide prepared food in extended polystyrene (EPS) foam food ware on or after July 1, 2018.

### **Who has to follow this law?**

Food vendors or establishments located in the City of Milpitas that sell or otherwise provide prepared food for consumption on or off its premises, and includes, but is not limited to, any shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, gas station, vehicle or cart, or roadside stand.

### **What are the requirements of this ordinance?**

As of July 1, 2018, this ordinance bans the use, sale or distribution of both dine-in and take-out EPS foam food service ware made, in whole or in part, from polystyrene foam (also called Styrofoam™ and expanded, extruded or blown polystyrene).

- EPS foam food ware includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells) used in the restaurant and food service industry for serving prepared food.

### **What products are acceptable alternatives to polystyrene foam?**

Packing materials and disposable food ware used or distributed by food vendors in the City of Milpitas must be compostable or recyclable in the City's collection programs. Examples include those made with paper, cardboard, molded or rigid pulp or plastic. Types of product alternatives are posted at [www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services](http://www.ci.milpitas.ca.gov/milpitas/business/commercial-recycling-garbage-services).

### **Are exemptions available?**

The City of Milpitas may grant an exemption to the ordinance if a food vendor requires a grace period due to "unique packaging hardship." Food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware. This exemption may be granted, in whole or in part, for up to twelve (12) months

Requests for exemption must be submitted on a written application on a form approved by the City of Milpitas and will be reviewed upon a case-by-case basis. Determination shall be final and is not subject for appeal. For questions about exemptions, please call: (408) 586-3352.