

MEMORANDUM

Engineering Division



To: Recycling & Source Reduction Advisory Commission (RSRAC)

From: Leslie Stobbe, Public Information Specialist

Through: Kathleen Phalen, Utility Engineer
Elizabeth Koo, Administrative Analyst II

Subject: **POLYSTYRENE RESEARCH UPDATE & AWARENESS APPROACH**

Date: July 19, 2010

This memo recommends an approach to address expanded polystyrene (EPS), specifically restaurant take-out “clam shells” and cups.

RECOMMENDATIONS

1. Approve taking no action on a potential ordinance or policy changes and moving forward with public awareness only.
2. Conceptually approve approach to match outreach and awareness of alternatives to polystyrene use with a campaign for single-use bags.

OUTCOME

Approval of these actions would lead RSRAC to provide recommendations to the Milpitas City Council regarding polystyrene food containers.

BACKGROUND

At its January 28, 2020 meeting, RSRAC reviewed and approved this work plan with a flexible timeline for both EPS and single-use bags that would provide an informed recommendation to Milpitas City Council:

Ongoing	Collaborate with regional government staff as well as representatives of the grocery, restaurant and plastics industries.
Ongoing	Review the San Jose EIR and other related regional initiatives to determine how these may impact City proposals.
January 2010	Present draft work plan for RSRAC’s review and approval.
Future	Develop and implement a community engagement process involving public input on potential ordinance or policy changes.
Ongoing	Update work plan for RSRAC review and approval. Report research findings.
Future	Prepare staff report for RSRAC’s review and recommended action for Council consideration.
Future	Prepare Council presentation incorporating RSRAC recommendations.

ANALYSIS

Following is a pros and cons analysis of possible actions in regards to polystyrene food containers.

Polystyrene Food Container Fee – Pros & Cons

Pros	Cons
Proven to motivate people to switch to reusable bags / containers	Not preferred in down economy
Revenue to recover costs, subsidize reusable options and fund litter abatement	Jurisdiction and retailers must administer the fee
Provides consumer with an option	Fees placed on consumer; state law prohibits placing fees on retailers
	Can be viewed as an unfair burden on low-income consumers

Polystyrene Food Container Ban – Pros & Cons

Pros	Cons
Simple way to reduce plastic and paper bag and polystyrene container litter and pollution	A ban on only plastic bags may leave cities vulnerable to legal challenge
Most direct; forces shoppers to switch to reusable bags / containers	Retailers may need to provide some type of carry-out container for consumers
Easier for retailers to implement; saves money	Harder for jurisdictions to enforce; raises costs
Retailers don't have to pass the cost onto consumer	Jurisdictions need a funding source or to change priorities for enforcement

Polystyrene Food Container Awareness Only – Pros & Cons

Pros	Cons
Provides the information and the means (messages with offers of free reusable bags and containers)	Increases jurisdiction cost
Available to everyone in the community	Messages cannot reach everyone
Individuals decide to take personal action for lasting behavior change	Assumes unquantifiable level of adoption and / or behavior change
Strategic messaging can incorporate business / retail concerns	Businesses not required to change operations to reduce uses of one-time bags and containers

As a reminder, EPS foam is not accepted in the City's residential and commercial recycling programs due to contamination concerns (food containers), its low weight-to-volume ratio (molded foam), current high processing costs and low market value as a recyclable commodity. City recycling programs do accept rigid containers (known as extruded polystyrene). Various industries effectively recycle EPS foam due to the large quantities generated and some curbside recycling programs and drop-off centers in California also accept this material.



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5411
GENERAL INFORMATION: 408.586.3000 www.ci.milpitas.ca.gov

August 3, 2010

Senator Ellen M. Corbett
State Capital, Room 5108
Sacramento, CA 95814

Subject: AB 1998 (Brownley) -- Single-Use Reduction Act: SUPPORT As Amended

Dear Senator Corbett:

On behalf of the City Council of the City of Milpitas, I submit this letter in support of the Single-Use Bag Reduction Act (Assembly Bill 1998) as amended. AB 1998 would ban plastic single-use carryout bags and regulate paper carryout bags at supermarkets, retail pharmacies, and convenience stores throughout the state. It would also regulate the distribution of paper bags to encourage customers to use reusable bags.

Californians use an estimated 19 billion single-use bags every year. Despite efforts to expand recycling programs, less than 5% of single-use plastic bags are currently being recycled. The remaining bags end up in landfills or as litter, clogging stormdrain systems, or making their way to our waterways and ocean.

AB 1998 will create a uniform policy for addressing all types of single-use bags while encouraging consumers to use reusable bags, the most sustainable alternative. California has a critical role to play in becoming a true leader in eliminating plastic bag waste and preventing the proliferation of plastic pollution. The passage of AB 1998 is the first step in achieving sound environmental policy goals and showing leadership in statewide environmental protection.

On behalf of the City of Milpitas, I urge your support on this vital piece of legislation.

Sincerely,

Robert Livengood, Mayor
City of Milpitas

cc: Julia Brownley, Assemblymember – District 41
Alberto Torrico, Assemblymember – District 20
Arnold Schwarzenegger, Governor