



Hermosa Beach Ban on Polystyrene Food Service Ware

Frequently Asked Questions about the New Ordinance

Earlier this year, the Hermosa Beach City Council began considering an ordinance to ban polystyrene food service ware based on a recommendation made by the city's Green Task Force. After months of research and discussions, the City Council adopted the final ordinance on Sept. 11, 2012. Following are some frequently asked questions about the ordinance and ban:

What does the ordinance do?

The ordinance bans polystyrene food service ware in the City of Hermosa Beach beginning March 10, 2013. In general, foods packaged, repackaged or placed in polystyrene containers or drink ware by "food providers" within the city are subject to the ordinance.

Why did the city ban polystyrene food containers?

Banning polystyrene food containers is part of the ongoing commitment by city leaders to protect the environment and the health of residents. The purpose of the new ordinance is to reduce adverse environmental and public health impacts and promote environmentally sustainable practices in the City of Hermosa Beach by prohibiting the use of a select group of disposable polystyrene food containers.

Polystyrene, a lightweight petroleum-based plastic material, is commonly littered or blown out of trash receptacles. It can then migrate to the storm drain system and eventually to the beaches and ocean. When the material breaks down into smaller pieces, it can harm water quality and marine life, which often mistakes polystyrene pieces for food. In addition, polystyrene litter is difficult to clean up and may cumulatively result in increased litter. Reduction of polystyrene in the environment will advance compliance with federal, state and city clean water mandates and save the city money for trash cleanup.

Furthermore, polystyrene food service ware has been shown to pose human health impacts to workers and consumers. These impacts can be reduced by decreasing its use.

How do I know if a container is polystyrene?

The recycle code for polystyrene is 6 or PS, however many items do not contain the recycle code. Food providers can obtain product information from suppliers or manufacturers of containers to document that the food service ware they use is not comprised of polystyrene.

Expanded polystyrene foam (often called Styrofoam™) is fairly easy to distinguish by appearance and because it easily breaks into small pieces or beads. Other types of polystyrene may be clear, black or other colors. While many foods are packaged in other types of plastic containers, polystyrene tends to be used for single-serving, to-go containers.

What products would be banned?

Any “food service ware” made from polystyrene that is provided by a “food provider.”

Food service ware is defined as disposable products used for serving or transporting prepared food: plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, and similar items. Straws, cup lids, and utensils are not included.

What businesses and individuals must comply with the ban?

The ban generally applies to:

- Grocery stores, supermarkets, delis, convenience stores, farmers markets.
 - Restaurants, drive-thrus, cafés, snack shops.
 - Mobile vendors, food trucks, caterers, vendors at events, vending machines.
 - Anyone conducting or supplying activities under a “special event permit” or agreement with the city.
 - Groups and organizations that regularly supply food to their members or the public.
 - Official city meetings or events.
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Who will not be affected by the ban?

Consumers are not affected by the ban. Customers can buy or obtain whatever is being sold, given away or provided. It is up to food providers to comply.

Other exemptions include:

- All foods packaged or prepared outside the city. For example, produce sold in grocery stores that arrives prepackaged is exempt. If a food provider repackages or places the food in polystyrene containers or drink ware within the city, then it is subject to the ordinance.
 - People using city facilities, the beach, parks, etc. unless they are operating or conducting an activity under an event permit, lease, rental or agreement with the city.
 - Food wholesalers and the school food service program.
 - Raw uncooked meat, poultry, fish or eggs, unless the food is intended to be eaten raw (such as sushi).
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What disposable food containers are legal under the ordinance?

Food service providers can find several economical alternatives to polystyrene food service ware that will be safer for the environment and healthier. Among the alternatives are food service items with recycle codes other than 6 or PS. Aluminum, coated or uncoated paper, cardboard, plastics, plastics made from corn or other plant-based materials, as well as other biodegradable, compostable, reusable food ware, also can be used to replace polystyrene products. Food service providers can ask their regular suppliers, find suppliers online, or contact the Community Development Department at 310 318-0242.

How will it be enforced?

City staff are responsible for enforcement and may inspect any food provider’s premises. To be in compliance, food providers should use service ware that exhibits a recycle code other than No. 6 or PS, or maintain documentation onsite for the composition of disposable food service ware to verify compliance.

City staff will work with food providers to address problems. If a food provider is found to be out of compliance, it may be issued an administrative citation and subject to fines. Fines will range from \$100 to \$500. After three citations, the city can file a criminal misdemeanor complaint.

How can I get more information?

The Community Development Department will conduct an educational program prior to the effective date of the ordinance. Information will be available on the [Department website](#) on an ongoing basis. You may also contact the Department at 310 318-0242.