



Legislation Details (With Text)

File #: 19-0122 **Version:** 1
Type: Gen. Bus. - Staff Report **Status:** Agenda Ready
In control: City Council Regular Meeting
On agenda: 3/6/2019 **Final action:**
Title: Consider Introduction of Ordinance No. 19-0009 to Reduce Polystyrene Meat Tray Pollution (Community Development Director McIntosh).
INTRODUCE ORDINANCE NO. 19-0009

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance No. 19-0009, 2. 2018 California Ocean Litter Strategy, 3. Plastic Pollution Staff Report (April 17, 2018), 4. Plastic Pollution Staff Report (December 4, 2018), 5. California Grocers Association Meat Packaging Memo, 6. Recyclable Tray Alternative Comment Letter

Date	Ver.	Action By	Action	Result
3/6/2019	1	City Council Regular Meeting	introduced ordinance	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Anne McIntosh, Community Development Director
Dana Murray, Environmental Programs Manager

SUBJECT:
Consider Introduction of Ordinance No. 19-0009 to Reduce Polystyrene Meat Tray Pollution (Community Development Director McIntosh).
INTRODUCE ORDINANCE NO. 19-0009

RECOMMENDATION:

Staff recommends that City Council introduce Ordinance No. 19-0009 to reduce polystyrene meat tray pollution.

FISCAL IMPLICATIONS:

The recommended action has limited fiscal impact upon the budget. Staff time will be incurred in meeting with stakeholders and conducting outreach.

BACKGROUND/DISCUSSION:

On April 17, 2018, City Council discussed updating the City's environmental regulations, including polystyrene reductions (attachment). Following further Council discussion on December 4, 2018 (attachment), and February 19, 2019, City Council requested that staff bring back an ordinance on March 6, 2019, to prohibit the sale, use, and distribution of polystyrene meat trays.

Included in previous staff reports on the topic, and included here, is a report prepared by the National Oceanic and Atmospheric Administration (NOAA) and the California Ocean Protection Council, the 2018 California Ocean Litter Strategy (attachment), which provides data, science, and strategy for addressing ocean litter in California, with a focus on reducing land-based litter at its source.

After the February 19, 2019, City Council meeting, a representative from the California Grocers Association provided additional information on potential impacts of this policy on grocery stores (attachment). In addition, staff met with representatives of Kroger (Ralphs) and Gelson's to better understand how discontinuing the use of polystyrene trays could impact the consumers' choice of meat products in their stores, and how the use of alternatives might affect the price of meat that is packaged in the stores. Also after the February Council meeting, representatives from a company that produces recyclable meat trays reached out to the City with information on available alternatives to polystyrene for both meat producers and markets (attachment).

City Council may want to consider adopting the ban with two effective dates following a delayed implementation or grace period - a sooner one for in-store packaging (90 days); and a later one for products that are packaged by third party vendors (180 days). This would be a grace period for businesses to adjust before the ordinance is fully implemented. In other jurisdictions, most recently in San Diego, polystyrene meat trays fall under a 90-day grace period for implementation, extending until May 2019.

ALTERNATIVES

City Council could consider a phased implementation timeline such as:

March 19, 2019 Ordinance adopted

June 19, 2019 Ordinance takes effect for in-store packaging (90 days)

September 19, 2019 Ordinance takes effect for third-party vendors (180 days)

The City could also consider a longer grace period/delayed implementation aligned with a date for both types of packaging. In alignment with the City of Malibu's ordinance in which waivers are not extending past January 1, 2020, City Council could place a date for the ordinance to take effect after a longer grace period, going into effect on January 1, 2020, or for more than a year on April 1, 2020.

LEGAL REVIEW

The City Attorney has approved Ordinance No. 19-0009 as to form.

Attachments:

1. Ordinance No. 19-0009
2. 2018 California Ocean Litter Strategy
3. Plastic Pollution Staff Report (April 17, 2018)
4. Plastic Pollution Staff Report (December 4, 2018)
5. California Grocers Association Meat Packaging Memo
6. Recyclable Tray Alternative Comment Letter