



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

**SUBJECT: ADMINISTRATIVE ACTIONS
RELATED TO POLYSTYRENE
FOAM FOOD SERVICE WARE**

DATE: January 27, 2012

RECOMMENDATION

Direction to Staff to implement guidelines:

- (a) To halt the purchase and use of expanded polystyrene foam (EPS) food service ware at City facilities; and
- (b) To require City-sponsored events that receive funding or in-kind service from the City to ban the purchase of EPS food service ware.

BACKGROUND

On January 24, 2012, the City Council considered various policy actions related to polystyrene foam food service ware. Councilmember Liccardo also recommended that the Administration amend the City procurement guidelines to halt purchases and use of expanded polystyrene ("EPS") by the City of San José at City facilities and City-sponsored events in a memorandum posted on January 23, 2012.

DISCUSSION

Purchase of Expanded Polystyrene Foam by the City Of San Jose

The Environmental Services Department ("ESD") staff is in the process of surveying all the different departments to determine whether they purchase EPS food service ware, and can confirm that most departments have discontinued this practice. Centralized purchase of EPS food service ware no longer occurs. However, the Administration will explore the best approach to formalize guidelines to ban City funded purchases of EPS at all City facilities which may include adopting an administrative policy similar to the prohibition on the purchase of single-serving bottled water.

Polystyrene Foam Ban at City-Sponsored Events

The City established the Zero Waste Events program to support waste prevention and reduction, recycling, and composting efforts at events held in the City of San José. For

events with 1,000 attendees or more ("Large Events"), the Zero Waste Events team collects and reviews materials management plans, loans eco-station waste diversion supplies, and verifies compliance with City solid waste policies at the events. As part of the permitting process, event organizers are currently required to ban polystyrene foam use by food vendors. However, many events that receive funding or in-kind services from the City ("City-Sponsored Event") may not qualify as a Large Event. The Administration must evaluate the most effective approach to include this requirement in written documents with smaller event organizers as a condition of the City's support, and will return to the City Council in March, 2012 with a status update.

EVALUATION AND FOLLOW-UP

The Administration will return in March, 2012 to provide an annual report on the implementation of the Environmental Preferable Procurement Policy (Council Policy 4-6). In addition, ESD will provide a draft amendment to the Policy for the City Council's consideration that would ban the purchase of EPS and certain single-use food service wares by the City, and any person who may contract with the City or require permission to use City property or facilities. Implementation guidelines for this policy could also consider instituting a preference policy for City facility vendors or concessionaires that do not use EPS food service ware.

COORDINATION

This memorandum was coordinated with the Department of Environmental Services.

CEQA

- (a) Not a Project, File No. PP10-066(a), Purchase of supplies.
- (b) Exempt, File No. PP12-013.

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By 
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cc: Debra Figone

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