

After years of delays, San Diego's polystyrene foam ban could take effect in April

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Big changes may be coming this spring for many San Diego restaurants and retail stores, because city officials say they plan to follow through on a long-delayed ban on polystyrene foam food containers, coolers, pool toys and similar products.

City officials said the ban, which has been delayed nearly four years by litigation filed by restaurants and [foam](#) container companies, will take effect April 1 if the City Council approves it during a hearing scheduled for Nov. 15.

Prospects for approval got a boost Thursday when the council's Environment Committee voted 4-0 in favor of the ban, with Councilmember Joe LaCava saying, "San Diego is ready to say goodbye

to Styrofoam."

The city's move was praised Thursday by several [environmental groups](#), who stressed that foam products poison marine life and damage the health of people who eat seafood.

Such foam, often sold under the brand name Styrofoam, is not biodegradable and continuously breaks into steadily smaller pieces, which allows it to enter local waterways and easily get consumed by wildlife.

The San Diego law would also make it illegal for restaurants and delivery services to distribute plastic utensils or straws unless customers request them.

Councilmember Marni von Wilpert said she would support San Diego eventually banning plastic straws entirely.

Councilmember Jennifer Campbell said she'd like to remove an exemption for foam body boards, contending foam from the boards still frequently ends up in the ocean despite protective coating designed to prevent that.

But neither of those suggestions is part of the legislation the council will consider next month.

The proposed city law would apply to egg cartons, coolers, ice chests, pool toys, dock floats and mooring buoys. Residents wouldn't be able to use those products, and [retail stores](#) wouldn't be able to sell them.

San Diego would join more than 130 other California cities with bans on polystyrene, including Carlsbad, Encinitas, Solana Beach, Del Mar and Imperial Beach.

San Diego would also become the largest city in California to ban foam. Los Angeles city officials say they plan to enact a similar ban this year. San Francisco, San Jose and Oakland already have bans.

Nearly all national and regional restaurant chains long ago stopped using polystyrene in response to lobbying from environmental groups and backlash from customers concerned that foam isn't biodegradable.

But many taco shops, pizza parlors, convenience stores and other [small businesses](#) continue to use foam products to save money.

To soften the impact on those businesses, San Diego's proposed ban includes delays and hardship exemptions.

Businesses with annual income of less than \$500,000 would not need to comply with the ban for the first year after it takes effect, which would likely give them until April 2024.

There are also hardship exemptions for businesses that either can't find any reasonable alternative to polystyrene or have entered into long-term contracts for non-compliant products before the new city law takes effect.

City officials said they will take an education-first approach with businesses, with enforcement and fines coming only after warnings and attempts to get businesses into compliance.

San Diego is reviving its foam ban, which was initially adopted in January 2019, after litigation forced city officials to conduct a comprehensive analysis of the ban's potential environmental effects.

The analysis reached the conclusion predicted by city officials and many environmentalists: The environmental benefits of banning the foam far

outweigh a slight increase in truck pollution caused by the switch from foam to heavier paper products.

The lawsuit, filed by the California Restaurant Association and one of the nation's largest manufacturers of foam takeout containers, suggested a study was needed to determine whether the environmental damage that could be caused by a switch to paper might outweigh the environmental benefits of the switch.

Instead of fighting in court, San Diego officials agreed to conduct an analysis. San Diego was the first and only city in California to have its polystyrene ban legally challenged. Supporters of the ban say San Diego was singled out because it's such a large city.

San Diego's ban would complement new state legislation regarding foam and straws, [city officials](#) said.

SB 54 restricts the distribution of polystyrene foam in the state starting in 2025 if the recycling rate of the material doesn't exceed 25 percent by then. AB 1276 restricts the distribution of single-use utensils and condiment packets.

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