

# San Diego is preparing to enforce its long-awaited foam ban. Who might get a reprieve?

March 20 2023, by David Garrick

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With enforcement of San Diego's new ban on polystyrene foam food

trays, pool toys and more scheduled to take effect April 1, city officials are scrambling to coach affected businesses, clarify the complex regulations and consider emergency waiver requests.

Such requests include one from a coalition of local grocery stores asking for a two-year reprieve for raw meat foam packaging. The coalition says complying with the new law would sharply raise local meat prices and reduce availability.

The long-awaited ban, which was delayed three years by litigation from restaurants and container companies, covers foam egg cartons, takeout containers, meat trays, coolers, ice chests, dock floats and mooring buoys.

Starting April 1, [retail stores](#) can't sell those products, and residents can't use them at city parks or beaches. An exception is made for prepared foods that are packaged elsewhere and then sold in San Diego stores, such as soups sold in foam containers.

The ban, which the City Council finalized in December, also requires restaurants and food delivery services to stop giving out straws and plastic utensils unless customers request them. But [city officials](#) recently clarified that restaurants may continue to have self-service areas with straws and utensils.

City officials say they recently sent out informational mailers to 9,000 [local businesses](#). The mailer was translated into Spanish, Tagalog and Vietnamese.

The city also hosted a March 2 public forum in Linda Vista and conducted a March 7 online webinar. At both events, businesses asked questions focused mostly on how the rules work and how to apply for a waiver.

City officials are also relying on [environmental groups](#), trade associations and community groups to spread the word about the ban. A special website, [sandiego.gov/environmental-services/recycling/pf-ban](http://sandiego.gov/environmental-services/recycling/pf-ban), has many details.

The website also has printable posters that businesses can hang at their drive-through windows or place at tables to explain the ban to customers and employees.

San Diego joins more than 130 other California cities with bans on polystyrene, including Carlsbad, Encinitas, Solana Beach, Del Mar and Imperial Beach. Oceanside and Coronado are the only local coastal cities without a ban.

A ban in Los Angeles also takes effect next month. San Francisco, San Jose and Oakland already have bans.

Supporters of the ban say foam products poison marine life and damage the health of people who eat seafood, because foam is not biodegradable and continuously breaks into steadily smaller pieces.

Often sold under the brand name Styrofoam, the products—made of the chemical polystyrene—enter local waterways and easily get consumed by wildlife after they break down into much smaller pieces.

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 gross revenues of less than \$500,000 don't need to comply with the ban for the first year after it takes effect, giving them until April 2024. No waiver applications are required for this exemption.

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.

Businesses seeking those waivers must apply for an exemption and have it granted, which could come with special conditions.

Jennifer Ott, a city recycling specialist spearheading enforcement of the ban, said officials will take an education-first approach, with enforcement and fines coming only after warnings and attempts to get businesses into compliance.

"Enforcement will be largely complaint-based," Ott said during the March 7 webinar. "Our goal is to let businesses know about this ordinance and how to comply with it."

Ott said fines would be a last resort. She said initial site visits after a complaint would focus on offering technical assistance to the [business](#) and possibly issuing a written warning. Fines would not begin until the third or fourth visit, she said.

The waiver request from local grocers says they support the environmental goals of the new law and intend to comply with it eventually. But the grocers, who are represented by the California Grocers Association, say they need more time.

"Operational changes, procurement processes and implementation for changes of this magnitude by grocers and manufacturers is difficult and is proving to be impossible on this time frame and scale," the grocers say.

They estimate that 80% of the raw meat products sold in local grocery stores use packaging that doesn't comply with the city's new law.

They say compliance would cost millions because it would require changes both at local stores, where they say roughly half the meat is packaged, and by suppliers, where the other half is.

They say grocers have so far deemed alternate packaging options not sturdy enough or effective enough at keeping air and moisture away from the raw meat, which is particularly vulnerable to spoilage and contamination.

City officials said they will conduct a thorough review of the grocers' waiver request, including researching possible alternative products used by similar businesses. The [city](#) may ask the grocers for additional information, officials said.

San Diego's ban was initially approved in 2019, but it has been delayed by litigation filed by restaurants and foam container companies seeking a comprehensive analysis of the ban's potential environmental effects.

That analysis concluded that 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.

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Citation: San Diego is preparing to enforce its long-awaited foam ban. Who might get a reprieve? (2023, March 20) retrieved 23 June 2024 from <https://phys.org/news/2023-03-san-diego-long-awaited-foam-reprieve.html>

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