

Prohibition of the Distribution and Sale of Expanded Polystyrene (EPS) Products

FREQUENTLY ASKED QUESTIONS



Background

On December 6, 2022, the Los Angeles City Council unanimously approved an ordinance adding Article 5 to Chapter XIX of the Los Angeles Municipal Code titled “*Prohibition of the Distribution and Sale of Expanded Polystyrene (EPS) Products*”. This Ordinance prohibits businesses and retail establishments to distribute, offer, provide, rent, or sell to any Person any Expanded Polystyrene Product, any food or beverage in any Expanded Polystyrene Product, or any shipping or packing material that contains Expanded Polystyrene.

What does this City ordinance prohibit?

The ordinance prohibits businesses and retail establishments from distributing, offering, providing, renting, or selling to any person any Expanded Polystyrene Product, any food or beverage in any Expanded Polystyrene Product, or any shipping or packing material that contains Expanded Polystyrene.

This includes, but is not limited to, such products as cups, bowls, plates, clamshells, Egg Cartons, Food Trays, coolers, and ice chests that are made from Expanded Polystyrene. Expanded Polystyrene Products also include shipping boxes, packing peanuts, and packing materials.

When will this City ordinance go into effect?

1. Beginning April 23, 2023, the ordinance will apply to Large Food or Beverage Facilities or Large Retail Establishments having more than 26 employees.
2. Beginning April 23, 2024, the ordinance will apply to all other Food or Beverage Facilities and Retail Establishments.

What is exempted from this City ordinance?

Products:

This Ordinance does not prohibit the distribution, offer, provision, rental, sale, or use of any of the following:

- Products such as surfboards or coolers that are wholly encapsulated or encased in a more durable material.
- Craft supplies.
- Packaging or containers that are used for drugs, medical devices or biological materials.
- Expanded Polystyrene used in the manufacture of safety devices and equipment, including, but not limited to, vehicle child restraint systems, personal floatation devices such as lifejackets and life preservers, helmets, and vehicle impact protection systems.
- Construction and building materials or related products made from Expanded Polystyrene if the products are used in compliance with the building regulations in Chapter IX of this Code, or any successor provisions, and are used in a manner preventing the Expanded Polystyrene from being released into the environment.
- Products that are pre-packaged outside of the City using Expanded Polystyrene (as part of the packaging material except for Egg Cartons), as long as the products themselves are not made of Expanded Polystyrene or unless a more durable material wholly encapsulates or encases the Expanded Polystyrene.
- Online sales of products that are shipped from a location outside of the City.
- Expanded Polystyrene packaging products that have been received from sources outside of the City for reuse, in order to keep these packaging products outside of the waste stream.

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Facilities

This Ordinance does not apply to the following facilities:

- Health Facilities, as defined in Section 1250 of the California Health and Safety Code, shall be exempt from the requirements of this article.
- Residential Care Facilities for the Elderly, as defined in Section 1569.2 of the California Health and Safety Code, shall be exempt from the requirements of this article.

How will this City ordinance be enforced?

LASAN has been authorized to participate in the Administrative Citation Enforcement Program (ACE) and is authorized to enforce the ordinance provisions in the most effective manner to ensure compliance, and to provide outreach and education in the issuance of Administrative Citations.

What will the fines be for violations of the City Ordinance?

In accordance with the ACE guidelines, the administrative fines for an administrative violation of the Prohibition of the Distribution and Sale of Expanded Polystyrene (EPS) Products Ordinance are as follows:

1. Two hundred and fifty dollars (\$250) for a first violation;
2. Five hundred dollars (\$500) for a second violation of the same code provision, statute, ordinance, order, condition or requirement;
3. One thousand dollars (\$1,000) for a third or any subsequent violation of the same code provision, statute, ordinance, order, condition or requirement;

Key Definitions

“Expanded Polystyrene” means polystyrene that has been expanded or “blown,” using a gaseous blowing agent, into a solid foam and is sometimes known by the trade name Styrofoam™.

“Expanded Polystyrene Product(s)” means a product made from Expanded Polystyrene associated with food or beverage service, and includes, but is not limited to, such products as cups, bowls, plates, clamshells, Egg Cartons, Food Trays, coolers, and ice chests that are made from Expanded Polystyrene. Expanded Polystyrene Products also include shipping boxes, packing peanuts, and packing materials.

“Food or Beverage Facility” means a facility located in the City that sells or otherwise provides Prepared Food or Beverages for consumption on or off its premises, and includes, but is not limited to, a shop, sales outlet, restaurant, bar, pub, coffee shop, coffee stand, juice and/or smoothie bar, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, farmers market, theater, mobile food truck, roadside stand, kiosks, carts, a Vendor or any organization, group, or individual that regularly provides Prepared Food or Beverages as part of its service.

“Large” means having more than 26 employees. If a Food or Beverage Facility or Retail Establishment is part of a Statewide or National Vendor, the employee count shall include all employees of that chain.

“Person” means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or organization, or the manager, lessee, agent, servant, office, or employee of any of them.

“Retail Establishment” means any commercial establishment located within the City that sells goods directly to customers primarily for the customer’s own consumption or use.