



TOWN OF LOS GATOS

Civic Center
110 E. Main Street
Los Gatos, CA 95030

May 1, 2015

Subject: Expanded Polystyrene Foam Food Service Container-Ware Ordinance Implementation

Dear Los Gatos Merchant:

On December 16, 2014, the Town of Los Gatos adopted an ordinance to ***ban expanded or extruded polystyrene (EPS) foam food service ware*** (e.g. foam plates, bowls, cups, lids, and trays). These products are sometimes referred to as EPS or Styrofoam™ and may have a #6 resin code on the bottom and are white in color. The purpose of the ordinance is to reduce polystyrene foam food ware in waterways and improve water quality.

The ordinance is scheduled to **take effect on June 1, 2015.**

The ordinance pertains to any food provider or establishment providing food or beverages for consumption on or off the premises, including but not limited to: any restaurant or fast-food establishment, bar, coffee shop, cafeteria, caterer, convenience or liquor store, delicatessen, grocery store or supermarket, mobile food truck, food push-carts, roadside or sidewalk stands, festivals, or other food or retail or sales outlets.

The ordinance also ***bans the sale of polystyrene foam coolers or ice chests*** which are not wholly encapsulated or encased within a more durable material.

An Expanded Polystyrene Foam Food Service Container-Ware Fact Sheet is attached to this letter and available at www.LosGatosCa.Gov/EPS.

You are receiving this letter because your business license information on file with the Town indicates that your organization may provide food and/or beverages, or could sell coolers/ice chests. If you have any questions or concerns after reviewing the information enclosed in this letter please feel free to contact the Town of Los Gatos Manager's Office at manager@LosGatosCA.gov or contact (408) 354-6832.

Expanded Polystyrene Foam Food Service Container-Ware Ordinance

Fact Sheet

Who Does this Ordinance Affect?

Any establishment, vendor, business, store, organization, group or individual:

- (1) *dispensing* prepared food / beverage for dine-in or take-out (regardless of charge) or
- (2) *selling* polystyrene foam coolers and ice chests

Including, but not limited to:

- Cafeterias at schools and places of employment (regardless if open to the public)
- Caterers and fraternal clubs
- Convenience, liquor, and grocery stores
- Mobile food vendors, carts, food kiosks, and stands
- Restaurants, coffee shops, bars, and pubs
- Waiting rooms (regardless of charge)
- Retail stores
- Restaurant supply
- Party supply
- Drug stores
- Hardware stores
- Sporting goods

Ordinance Provisions

- Effective June 1, 2015, **no food provider shall dispense** prepared food or beverage using polystyrene foam food service ware, regardless of charge.
- Effective June 1, 2015, **no vendor in the Town of Los Gatos shall sell or provide** polystyrene foam coolers or ice chests.
- Polystyrene foam containers includes cups, bowls, plates, trays, cartons, and hinged or lidded containers (clamshells); and polystyrene foam ice chests or coolers, unless wholly encased within a more durable material (e.g. metal with foam core).
- Food providers may choose alternative paper, plastic or reusable containers that best meet their needs.
- An exemption process is available for economic hardship caused by overstocked supplies that cannot be returned to distributors or for unique packaging needs.
- Items excluded from the ordinance include pre-packaged food such as raw eggs and raw meat; and pre-packaged food delivered to the provider and sold in the same container (e.g. ramen noodles in a foam cup).

What is Polystyrene Foam and Why is the Town Banning It?

Expanded polystyrene foam (EPS) is a form of plastic that has been identified as a distinctive litter concern because it crumbles easily into small pieces, is lightweight, and easily windblown into streets and waterways that flow into the bay and eventually the ocean. It is difficult to collect by street sweepers and creek clean up volunteers. The particles are mistaken as food by birds, fish and wildlife, causing reduced food consumption and impaired intestinal tracts. Urban runoff pollutants attach to the particles and, if ingested by wildlife, can cause reproductive failure, disease or death. The ban should result in less foam litter, and result in improved water quality as required by the new Municipal Stormwater Permit.