



The Food Service Container Ban

Frequently Asked Questions



Background:

On January 9, 2007 the Santa Monica City Council unanimously voted to ban the use of non-recyclable plastic disposable food service containers within Santa Monica: [SMMC: 2216](#)

When did the ordinance take effect?

- **February 9, 2007** for all city facilities and operations, city managed concessions, and city sponsored and permitted events.
- **February 9, 2008** for all food service providers in Santa Monica.

Why did the City of Santa Monica ban non-recyclable plastic and polystyrene?

Expanded polystyrene and non-recyclable plastic together make up the largest amount of waste that ends up on Santa Monica's beaches. At the annual Coastal Cleanup Day, 10,000 volunteers came out to clean the beaches and in three hours picked up over 75,000 lbs. of trash, most of which was identified as Styrofoam® and plastic. This plastic waste causes significant environmental damage to the beach and marine environment. It can also harm marine animals and birds who mistake it for food. Polystyrene is made from crude oil and when improperly disposed persists in the environment for hundreds of years. By banning these types of disposable plastic food containers, the ordinance will help to reduce the amount of these materials that pollute Santa Monica's beaches and the bay.

What are the banned food service containers?

Non-recyclable plastic refers to any plastic which cannot be feasibly recycled by a municipal recycling program in the State of California. This specifically refers to expanded polystyrene (one example of which is known as Styrofoam®) and clear or rigid polystyrene, both of which are marked with the symbol #6 on the bottom.

This ban applies to single-use disposable containers intended for serving or transporting prepared, ready-to-eat food or beverages. Examples include cups, plates, trays, bowls, and hinged or lidded containers. This ordinance does not apply to single-use disposable food service items which are not used as food containers, such as straws, cup lids and utensils.

Who must comply with this ordinance?

This ordinance prohibits all food providers in the City of Santa Monica from dispensing prepared food in non-recyclable plastic food service containers. "Food provider" means any establishment, located or providing food within the City of Santa Monica, which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, delicatessen, grocery store, super market, catering truck or vehicle, or any other person who provides prepared food, and any organization, group, or individual that regularly provides food as a part of its service. The ordinance also covers food containers purchased by city staff; food programs sponsored by the city, city-sponsored events, city-managed concessions and city-permitted events.

What are the penalties for non-compliance?

- The 1st violation results in a written warning.
- The 2nd violation results in a fine up to \$100.
- The 3rd violation & any following violations result in a daily fine up to \$250.

What types of containers are allowed under the ordinance?

- **Aluminum**
- **Recyclable Plastics**
- **Coated and Uncoated Paper**

Note: It is recommended that coated and uncoated papers contain a minimum of 90% paper, ideally made with post-consumer recycled content. Typically, these products will be labeled "post-consumer recycled content".

- **Compostable Plant Fiber** products, such as Bagasse, are now made from corn, sugar cane, bamboo, palm, grass and other rapidly compostable resources.
- **Bio-plastic** Currently, bio-plastic products cannot be effectively composted in home composters or municipal composting operations used by the City of Santa Monica. Even though certain bio-plastic containers are labeled as compostable, the existing composting facility currently used by the City of Santa Monica is unable to process these bio-plastics. Any bio-plastic container which is placed in a compost or recycling bin will be removed and sent to a landfill. The City is exploring opportunities which will one day allow residents and businesses to dispose of their bio-plastics in the composting bin. Until then, bio-plastic products should be disposed of in the black trash bin.

What is the heat tolerance of compostable products?

When determining what type of compostable product line to use, it is important to know whether you will be serving hot or cold food. For example, a popular corn-based container has a heat tolerance of around 110 degrees F and is excellent for salads, sandwiches and cold drinks, but not hot foods or drinks. Specific brands of compostable food containers are designed for hot foods and drinks. Before you choose a container, be sure to ask for information on heat tolerance and other product specifications.

Where do I find acceptable food service containers?

Contact or visit your sales representative to inquire about acceptable containers. If they do not carry them, request that they begin doing so. As a service to the community, the city has a list of suppliers of acceptable food service containers. Learn how to host a zero waste event in Santa Monica and access a list of over 90 food service container distributors as www.sustainablesm.org/container.

Useful Websites:

- CalRecycle Venue Resource Page: www.calrecycle.ca.gov/venues/
- CalRecycle: Venue & Events Law (CA AB 2176) Information: www.calrecycle.ca.gov/venues/Mandates/default.htm

Who can I call for questions about where to find alternative products, ordinance enforcement, exemptions, recycling technical assistance or community presentations? Contact Josephine Miller of the Office of Sustainability & the Environment at 310.458.2213.

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