

Summary of Ordinance

The U.S. Environmental Protection Agency has stated that the physical properties of polystyrene foam are such that “the material can have serious impacts on human health, wildlife, the aquatic environment and the economy,” and, according to the U.S. Food and Drug Administration, there is medical evidence to suggest that styrene, a primary component of polystyrene foam, leaches from polystyrene foam containers into food and drink. Disposable food and beverage packaging is likely to become litter, because it is removed from the place of sale for immediate consumption, and, many takeout food ware items such as cups, hinged containers, plates, and bags are commonly found in roadside litter.

The proposed ordinance would prohibit Retail Food Establishments and Food Providers from selling, handing out, distributing, giving away or otherwise making available for public or customer use Prepared Food in Disposable Food Service Ware that contains Polystyrene Foam. It would also prohibit County Facility Food Providers from providing prepared foods in disposable food service ware that contains Polystyrene Foam. Also, County Departments may not purchase, acquire, or use Disposable Food Service Ware that contains Polystyrene Foam. Furthermore, County Contractors and Lessees may not use Disposable Food Service Ware that contains Polystyrene Foam in County facilities and while performing under a County contract or lease.

The Mendocino County Environmental Health Director or designee shall have primary responsibility for enforcement and shall have the authority to issue citations for violations of this Chapter. The Director, or his/her designee, shall issue a written warning for the first violation, and shall levy a fine not exceeding \$100.00 for the second violation within one year of the first warning, and shall levy a fine not exceeding \$500.00 for each subsequent violation. Any individual or entity violating or failing to comply with the requirements of this Chapter shall be guilty of an infraction.