



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 22-0356

OCT 13 2022

REPORT RE:

**DRAFT ORDINANCE ADDING ARTICLE 5 TO CHAPTER XIX OF THE
LOS ANGELES MUNICIPAL CODE TO PROHIBIT THE DISTRIBUTION AND SALE
OF EXPANDED POLYSTYRENE PRODUCTS COMMONLY REFERRED TO UNDER
THE TRADE NAME STYROFOAM™**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 21-0064

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would add Article 5 to Chapter XIX of the Los Angeles Municipal Code to prohibit the distribution and sale of expanded polystyrene products. Polystyrene, commonly referred to under the trade name Styrofoam™ is a thermoplastic resin made of styrene, a constituent of petroleum. Expanded polystyrene is formed when a blowing agent, such as pentane or isopentane, is added to polystyrene. Expanded polystyrene is a lightweight, thermal insulator, moisture-resistant, with high shock absorbency. These characteristics have led to its extensive use in the food and packaging industries.

This draft ordinance seeks to reduce expanded polystyrene products in the City to further its goals of reducing waste, increasing energy efficiency, promoting equity and environmental justice, addressing the impacts of climate change, and advancing a just transition toward more circular, equitable, and regenerative economies. This draft ordinance designates the Department of Public Works, Bureau of Sanitation (LASAN)

as the designated Administrative Agency with the authority to establish rules and procedures to aid in the administration and enforcement of this article.

California Environmental Quality Act (CEQA)

At the time of transmitting this report, environmental review is still pending with LASAN. Prior to or concurrent with adoption of the draft ordinance, the City Council can comply with CEQA by considering the CEQA clearance prepared and submitted by LASAN. As such, City Council may adopt the LASAN's CEQA determination and its findings, as applicable.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works, Bureau of Sanitation with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena M. Hopenstand at (213) 978-8130. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:AH:ev
Transmittal