



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 22 - 0393  
NOV 10 2022

**REPORT RE:**

**REVISED 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, on October 13, 2022, this Office prepared and transmitted for your consideration a draft ordinance, approved as to form and legality, that would add Article 5 to Chapter XIX of the Los Angeles Municipal Code to prohibit the distribution and sale of expanded polystyrene products (EPS) (City Attorney Report No. R22-0356). On November 9, 2022, an Energy, Climate Change, Environmental Justice, and River Committee report was adopted to request this Office amend the draft ordinance to include the following:

- a. The implementation phase for educating the public about the impending prohibition of EPS in the City beginning January 1, 2023.
- b. The implementation of the ordinance will become effective for large businesses, defined as more than 26 employees, on April 22, 2023.

c. The implementation of the ordinance will become effective for all other businesses, defined as 26 employees or fewer, on April 22, 2024.

Pursuant to your request, this Office now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality. Please note that the revised draft ordinance does not contain the January 1, 2023 implementation date for educating the public about the impending prohibition of EPS in the City, because the City, rather than the regulated entities, is responsible for such education.

California Environmental Quality Act (CEQA)

Under separate cover, the Department of Public Works, Board of Sanitation (LASAN) submitted to the City Council the Notice of Exemption and Draft Environmental Analysis pertaining to the draft ordinance. Prior to or concurrent with adoption of the revised draft ordinance, the City Council can comply with CEQA by considering the CEQA clearance prepared and submitted by LASAN. As such, the City Council may adopt LASAN's CEQA determination and its findings, as applicable.

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to LASAN 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