



11 November 2022

Delivered via email

To: San Diego City Council

RE: Support for Item 331: Single Use Plastic Reduction Ordinance, Final Environmental Impact Report and Ordinance Recommendations

Honorable Council President Elo-Rivera and City Council,

We, the undersigned, strongly support and encourage you to approve the reintroduction of San Diego’s long-stalled Single Use Plastic Reduction Ordinance. The evidence is overwhelmingly clear; for the well-being of human health, our environment, wildlife, and our economy, it is time for San Diego to join 129 other California jurisdictions and adopt a proven policy to phase out single use polystyrene foam.

Polystyrene is toxic to humans and wildlife.

Polystyrene poses human health risks that can't be eliminated by voluntary efforts alone. These plastic products are made from styrene, a known animal carcinogen that was found "reasonably anticipated to be a human carcinogen," in a congressionally mandated, science-based, public health document prepared by the National Toxicology Program. The International Agency for Research on Cancer also supported this claim, stating that polystyrene is "probably carcinogenic to humans." It was also listed as a carcinogen under California's Proposition 65 in 2016.

Polystyrene is a fossil fuel product.

Like the vast majority of plastics, polystyrene is derived from oil and natural gas. The extraction and use of fossil fuels to create polystyrene has a direct impact on climate change through increased greenhouse gas (GHG) emissions. Additionally, the process of manufacturing polystyrene is energy intensive, causing further GHG emissions. An estimated 8-14% of global petroleum consumption is used to make and manufacture plastics; this figure will continue to rise if communities do not take action to curb single use plastic production. Replacing polystyrene with more sustainable alternatives not derived from fossil fuels will lead to a reduction in GHG emissions.

The Environmental Impact Report (EIR) conducted for this ordinance is discussed in more detail below. However, it's worth mentioning here that the EIR did not account for any GHG emissions involved in the production of polystyrene. As polystyrene is a fossil fuel product and fossil fuels are the single largest global contributor to GHG emissions, this is critical to mention.

Single-use polystyrene foam is a particularly unmanageable form of plastic pollution.

16 years of local beach cleanup data reveals that foam debris consistently ranks as the second most commonly found item at San Diego beaches (behind cigarette butts). San Diego beach cleanups volunteers removed 53,327 pieces of foam debris in 2018 and 2019. In 2019 - a year for which data from over 100 local beach cleanups was compiled - polystyrene foam accounted for 14.4% of the total items found¹. This is a startlingly high percentage for only one type of plastic pollution.

¹ [Surfrider SD/SD Coastkeeper 2019 Annual Beach Cleanup Report](#)

What's worse is that in the majority of instances, volunteers are only able to collect a small portion of the polystyrene pollution that they see on our beaches. This is due to how easily it breaks up into tens, hundreds, even thousands of smaller pieces that become virtually indistinguishable from sand, and therefore impossible to separate from it. Volunteers will often spend the entirety of their cleanup effort on their hands and knees, collecting hundreds of tiny pieces of foam with the full knowledge that they'll never be able to get it all. It is an inspiring, but ultimately depressing, sight to behold.

Despite these cleanup efforts, the vast majority of foam pollution skips our beaches entirely, instead being deposited directly into the ocean from our rivers, creeks and storm drains. Therefore it is not only the high levels of foam pollution *we do find* that inform our advocacy for source reduction, it's also the *even higher levels* of foam that are unaccounted for. For example, a marine debris study conducted by Caltrans reported that polystyrene foam accounted for 15% of the litter flowing from stormdrains in the Los Angeles area².

The disproportionate amount of plastic pollution from single-use polystyrene foam is mainly due to the material's lightweight and brittle nature. Even if it were effectively recyclable - which it's not³ - single-use polystyrene foam is completely unmanageable as a waste product. Of all the wasteful single-use plastic packaging that exists in the world today, polystyrene foam is one of most - if not *the most* - efficient forms at polluting our environment. It must be addressed with urgency.

The plastics-industry funded lawsuit was a stalling tactic, and the EIR proves that phasing out polystyrene foam will benefit San Diego.

At the time of this ordinance's original passage in January 2019, over 100 other California municipalities had already taken the exact same action, some as early as 1988⁴. To our knowledge, none conducted an Environmental Impact Report (EIR) and none were sued for not having done so. Yet, failure to conduct an EIR was the basis of the plastic industry-funded lawsuit against the City.

Despite the plaintiff's demand for an EIR, none bothered to comment on the Draft EIR during the public comment period. If conducting an EIR was so important to them as

² A Caltrans litter study reported that polystyrene foam accounted for 15% of the litter flowing from stormdrains in the Los Angeles area. <https://www.owp.csus.edu/research/papers/papers/PP020.pdf>

³ Polystyrene suffers a dismal recycling rate of 0.2% in California. <https://www2.calrecycle.ca.gov/Publications/Details/1011>

⁴ <https://www.cawrecycles.org/polystyrene-local-ordinances>

their lawsuit alleged, one would think they'd actually have something to say about it. The only reasonable conclusion from their lack of engagement is that the EIR lawsuit was simply a means to stall implementation in order to preserve the status quo for a while longer.

Furthermore, the Final EIR clearly illustrates that any increase in GHG emissions resulting from polystyrene alternatives would be temporary, minor, and outweighed by the proposed ordinance's numerous environmental benefits. From the EIR itself:

As analyzed in this EIR, while there is a net increase in emissions associated with mobile sources, mobile source emissions are anticipated to be reduced over time and the benefit of implementation of the proposed ordinance would outweigh the increase in emissions due to the overall consistency with statewide and local plans for waste reduction.⁵

It's important to note - as the The Surfrider Foundation, San Diego Coastkeeper, and Sierra Club did in their Draft EIR comments - that because the City lacks an approved GHG emission threshold for policy-level projects, the authors chose an extremely stringent *net zero threshold* to evaluate this ordinance's effect on GHG emissions. This net zero threshold is the only reason why an estimate of only 105 MT CO₂e (metric tons carbon dioxide equivalent) was considered a "significant and unavoidable" environmental impact. For perspective, the City routinely approves development projects whose EIRs estimate up to 900 MT CO₂e in emissions but are not considered a "significant and unavoidable" impact.

Equally important, as the Final EIR for the polystyrene ordinance concludes, is that any small increase in GHG emissions will be temporary due to both statewide and regional mandates for higher fuel efficiency within - and the ultimate electrification of - our transportation sector. Wider adoption and implementation of reusable food ware over time will further contribute to an overall reduction in GHG emissions from single use food ware transport.

Adoption of the Single Use Reduction Ordinance supports San Diego's Climate and Zero Waste Goals.

This City Council unanimously adopted an updated Climate Action Plan (CAP) on August 2, 2022. Approval and implementation of this ordinance is a specific suggested action in Measure 4.1: Changes to the Waste Stream, within Strategy 4: Circular

⁵ https://www.sandiego.gov/sites/default/files/single_use_plastic_reduction_deir_final_0.pdf

Economy and Clean Communities⁶. The CAP lists several core benefits to implementation of this ordinance, including improvements in public health and climate resiliency. Phasing out single use polystyrene foam also supports the City's zero waste goals, including the fast approaching 2030 goal of an 82% waste diversion rate. Single use polystyrene is NOT effectively recyclable by any means, as evidenced by its dismal 0.2% statewide recycling rate.

The City already attempted to divert foam to a recycler in Los Angeles at a taxpayer cost of \$90,000 annually. The City of Los Angeles' Project Manager was interviewed and confirmed that polystyrene food service containers that are collected are "often contaminated, and therefore not recycled." Furthermore, recycling a fraction of EPS foodware containers does nothing to address the litter problem, the impact on wildlife, and the potential human health impacts. While we support continuing to recycle other forms of foam packaging, recycling polystyrene foodware is clearly not the answer.

Despite higher public awareness and more campaigns aimed at reducing pollution from single-use plastics, it will only get worse if we do not take action.

Since becoming a mainstay of our society in the 1950's, single use plastic has become the world's most common marine pollutant and turned the ocean we rely upon into a plastic soup. We now know that plastic pollution is non-biodegradable and toxic to marine wildlife and humans, that it photodegrades into smaller and smaller pieces over time (i.e. microplastics), and that microplastics have been found everywhere on Earth including in our food, in our bodies, and most recently, in both human placentas and breastmilk⁷. This is unconscionable, especially considering that *all* plastic pollution has occurred within the last 75 years, and that global plastic production continues to increase exponentially. 56% of all plastic ever produced occurred after the year 2000⁸. This trend will continue if communities do not take action to stop it. Case in point: the plastics industry - which is synonymous with Big Oil since plastic is a fossil fuel product - plans to double production by 2040.⁹

Obviously there is more we must do to eliminate plastic pollution from America's Finest City. However, for the aforementioned reasons that illustrate how susceptible single-use polystyrene foam is to polluting our communities and coastal environment, adoption of the City's 2019 Single Use Plastic Reduction Ordinance will be an effective and meaningful step towards the elimination of plastic pollution citywide. We respectfully

⁶ City of San Diego Climate Action Plan Update, p. 68

⁷ <https://www.theguardian.com/environment/2022/oct/07/microplastics-human-breast-milk-first-time>

⁸ <https://www.boell.de/en/plasticatlas>

⁹ https://www.pewtrusts.org/-/media/assets/2020/07/breakingtheplasticwave_report.pdf

ask you to approve the ordinance. Thank you for the opportunity to advocate on behalf of a cleaner, healthier, more sustainable San Diego for residents, visitors, and wildlife alike.

Sincerely,

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