

AGENDA REQUEST FORM

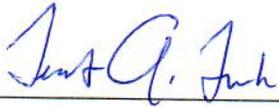
FOR: Council Meeting of May 7, 2019

FROM: Council Member Teresa Turk

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO PROHIBIT THE PURCHASE OF EXPANDED POLYSTYRENE FOAM WITH CITY OF FAYETTEVILLE MONIES, TO END THE USE OF EXPANDED POLYSTYRENE FOAM PRODUCTS BY CITY CONCESSIONAIRES AND FOOD TRUCKS IN CITY PARKS AND CITY OFF-STREET PARKING LOTS AND TO RAISE PUBLIC AWARENESS OF THE ECOLOGICAL DAMAGES CAUSED BY THIS PRODUCT

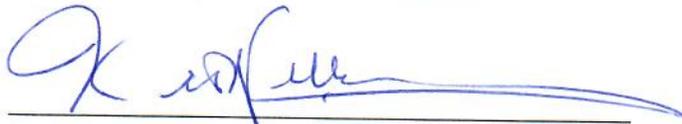
APPROVED FOR AGENDA:



Council Member Teresa Turk



Date



City Attorney Kit Williams

Approved as to form

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor**
City Council

CC: **Don Marr**, Chief of Staff
Environmental Action Committee
Peter Nierengarten, Sustainability Director

FROM: **Kit Williams**, City Attorney

A blue ink handwritten signature of Kit Williams, consisting of a stylized 'K' followed by a long horizontal stroke.

DATE: **April 16, 2019**

RE: **Expanded Polystyrene Foam (aka Styrofoam) Regulations**

Single use items such as cups, plates and bowls of expanded polystyrene foam, commonly referred to its brand name of Styrofoam, constitute some of the most littered items in America causing substantial time, effort and money to cleanup and dispose of this almost impossible to recycle product. Single use items made of expanded polystyrene do not biodegrade, but rather break down into smaller and smaller particles that are polluting our soil, water, the oceans and even our atmosphere. Yesterday, National Public Radio reported that scientists have found constant and significant amounts of tiny plastics falling every day on a study site on Pyrenees Mountains at 4,000 feet above sea level and far from any large city. The source for such plastics pollution is yet unknown except obviously it can only come from human activity as we discovered and now produce staggering amounts of plastics.

We all know from our own experience that expanded polystyrene foam is extremely light and crumbly and therefore very capable of becoming airborne in the wind. Most of also know that there are reasonable cost alternatives such as paper and other compostable materials that are biodegradable and do not pose the pollution threat posed by expanded polystyrene foam. Many businesses have already moved away from expanded polystyrene foam to provide much more environmentally friendly products. The City of Fayetteville should follow their lead and stop purchasing expanded polystyrene foam for single use products like

plates, cups, and bowls by requiring any caterer providing services to the City not use such products for our use.

Furthermore, we should use our rights as a property owner to reduce our litter problems on our own property by disallowing any contractor using our property such as concessionaires or food trucks operators to use expanded polystyrene foam while on city owned off-street parking lots or city parks.

We should also request and encourage the governing boards of the Fayetteville Public Library, Fayetteville Town Center (A & P Commission), the Walton Arts Center, Theatre Squared, the Fayetteville School Board, and even the University of Arkansas to join in this effort to reduce and eventually eliminate the use of expanded polystyrene foam in their facilities and prohibit their caterers and food services from using such products in their facilities.

Council Member Teresa Turk is sponsoring this ordinance and has worked on this proposal for several months. Along with Peter Nierengarten, we have presented this idea and finally last night presented the proposed ordinance to the Environmental Action Committee which voted unanimously to recommend its approval by the City Council. I would like to thank the Environmental Action Committee for its earlier comments and suggestions, many of which are now within the proposed ordinance.

Council Member Teresa Turk wanted to make some progress on this environmental issue, but she properly believed concentrating on our city's own use (as Little Rock has done) was a good first step. However, Council Member Turk believed we should go a step further by working with our contractors who run our concession stands in our City Parks and any food truck operators wishing to use our off-street parking lots for festivals, etc. to end any further purchases of expanded polystyrene foam and replace any current supplies with more environmental friendly products. The City Council, as the owner of city property, certainly has the property owner's right to control what happens on its own property.

These successful first steps will hopefully prove that use of expanded polystyrene foam is neither economically necessary nor desirable. With our City's educational campaign, even more private businesses will voluntarily do their part to reduce the unnecessary and costly use of expanded polystyrene foam and replace this material with more environmentally friendly products.



MEETING OF MAY 7, 2019

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Peter Nierengarten, Sustainability Director

CC: Connie Edmonston, Parks & Recreation Director
Justin Clay, Parking Manager
Andrea Foren, Purchasing Manager

DATE: April 16, 2019

SUBJECT: Styrofoam Regulations

RECOMMENDATION:

On April 15, 2019, The Environmental Action Committee voted unanimously (8-0) to recommend an ordinance to prohibit the purchase of expanded polystyrene foam with City of Fayetteville monies, to end the use of expanded polystyrene foam products by City concessionaires and food trucks in City parks and City off-street parking lots and to raise public awareness of the ecological damages caused by this product.

BACKGROUND:

Polystyrene is a form of plastic derived from fossil fuels. Polystyrene can be rigid or foamed. Polystyrene can be used to make a variety of products such as compact disc jewel cases, disposable cutlery or foam food service take-out containers and cups. Expanded Polystyrene (EPS) known by the trade name Styrofoam[™] is commonly used for food take-out containers and beverage cups due to its ability to maintain heat and cold and its low cost per unit.

Even when disposed of properly, because EPS is lightweight and floats, it can easily travel from the land into the creeks, rivers and lakes. Additionally, because it breaks down into smaller and smaller pieces it is challenging to retrieve during litter cleanups; this is not the case with other food containers. Due to the environmental impact of EPS, Cities nationwide have been working to prohibit the use and sale of these products. Many of the EPS bans have been adopted in cities with high value environmental resources and where tourism may be negatively impacted by litter.

In November of 2018 the City of Little Rock passed Resolution Number 14,896 prohibiting the purchase of EPS utilizing City monies. The resolution cited the many environmental impacts of EPS on the Little Rock community and the lack of feasible or cost effective ways to recycle EPS Foam.

DISCUSSION:

EPS is one of the lightest materials found in our waste stream, so analysis by weight often underrepresent its presence in the waste stream. Nevertheless, a 2015 Waste Composition Study conducted by Kessler Consulting for the City of Fayetteville found that EPS makes up 1.5% (by weight) of the total waste stream. That same study found that EPS makes up 1.7% of Fayetteville's roadside litter stream and as much as 5% of the litter collected at Lake Fayetteville. Visually, EPS is easily identifiable in many of Fayetteville's storm drains and waterways.

EPS is difficult to recycle since it is generally not economically viable to transport the lightweight and high-volume waste to distant recycling centers that have the specialized equipment to melt it back into a reusable form. Moreover, EPS that is contaminated by food must be cleaned in order to be recycled. Currently, there is not a viable recycling facility in Northwest Arkansas for EPS.

BUDGET/STAFF IMPACT:

Staff is not currently aware of any City monies that are being used to purchase Styrofoam, therefore Sustainability staff will work with the Purchasing Division to ensure that this practice continues. Staff from Parks & Recreation, Parking, Recycling and Trash Collection and Sustainability will reach out to concessionaires, vendors, food truck operators, and event organizers that operate on City property to ensure that they are aware of new regulations regarding Styrofoam usage and to educate them about alternative materials that may be used.

Attachments:

None

ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT THE PURCHASE OF EXPANDED POLYSTYRENE FOAM WITH CITY OF FAYETTEVILLE MONIES, TO END THE USE OF EXPANDED POLYSTYRENE FOAM PRODUCTS BY CITY CONCESSIONAIRES AND FOOD TRUCKS IN CITY PARKS AND CITY OFF-STREET PARKING LOTS AND TO RAISE PUBLIC AWARENESS OF THE ECOLOGICAL DAMAGES CAUSED BY THIS PRODUCT

WHEREAS, items of Expanded Polystyrene Foam (commonly referred to by the brand name "Styrofoam") are one of the top ten most littered items in our country and cause unsightly litter that necessitates time consuming and difficult cleanup efforts; and,

WHEREAS, this Expanded Polystyrene Foam does not biodegrade, but rather breaks down into smaller particles that pollute our natural and built environment; and,

WHEREAS, this foam is made from the monomer styrene, which is a suspected human carcinogen and known neurotoxin; and,

WHEREAS, the City of Fayetteville should ban most of the uses and purchases of Expanded Polystyrene Foam by the City; and,

WHEREAS, the City Council of the City of Fayetteville declares it is in the best interest of the health and welfare of its residents, visitors, and employees to reduce the litter and pollutants on the land and in the waters of Fayetteville; and,

WHEREAS, the City of Fayetteville is dedicated to reducing the volume of items entering our landfill through holistic recycling programs; and,

WHEREAS, although the City of Fayetteville has a robust recycling program, it is not feasible, practical nor effective to attempt to recycle Expanded Polystyrene Foam; and,

WHEREAS, there are readily available and reasonable cost alternatives to Expanded Polystyrene Foam that can be recycled or composted by Fayetteville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby prohibits the purchase of Expanded Polystyrene (EPS) Foam products by all City Departments, with the exception of encapsulated EPS for dock flotation, and further prohibits any

businesses, including but not limited to catering companies, from providing Expanded Polystyrene Foam products such as plates, bowls and cups when the City of Fayetteville has purchased their services.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby requests that the Administration ensure through appropriate contracts or otherwise that all entities operating concession stands, boat docks, food trucks, or similar businesses on City owned property including all city owned parks and city owned off-street parking lots end as soon as possible any purchasing and use of any Expanded Polystyrene Foam products such as plates, bowls, cups, and similar items. The City Council hereby empowers the Administration to bar food trucks that stock, supply to customers or otherwise use Expanded Polystyrene Foam products from serving customers while in any city owned off-street parking lot or city owned park by July 1, 2019.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby requests that the University of Arkansas Board of Trustees, the Fayetteville School Board, the Advertising and Promotion Commission and the governing bodies of the Fayetteville Public Library, Walton Arts Center and Theatre Squared join in this effort to promptly reduce and soon eliminate the use of Expanded Polystyrene Foam products within their facilities and prohibit caterers from bringing such products into their facilities.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby determines that acceptable alternative to EPS Foam products include, but are not limited to, paper, fiber and compostable products.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby further agrees to support the general goal of reducing EPS Foam product use by citizens, other government entities, and businesses throughout the City of Fayetteville by promoting awareness of the issues surrounding Expanded Polystyrene Foam and by promoting the adoption of reasonably priced alternatives.

PASSED and **APPROVED** this 7TH day of May, 2019.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer