

CEQA DETERMINATION OF EXEMPTION

Subject: This California Environmental Quality Act (CEQA) Determination of Exemption is in compliance with Carlsbad Municipal Code Section 19.04.060. An appeal to this determination must be filed in writing with the required fee within ten (10) calendar days of the City Planner's decision consistent with Carlsbad Municipal Code Section 21.54.140.

City Planner Decision Date: March 25, 2022

Project Number and Title: Ordinance Amending Title 6 of the Carlsbad Municipal Code Adding Chapter 6.09 Of The Carlsbad Municipal Code – Single-Use Plastic Foodware Phase-In Ban.

Project Location - Specific: Citywide

Project Location - City: Carlsbad **Project Location - County:** San Diego

Description of Project: Ordinance amendments adding restrictions to single-use plastic foodware in the City of Carlsbad

Name of Public Agency Approving Project: City of Carlsbad

Name of Person or Agency Carrying Out Project: Jamie Wood, Environmental Management Director

Name of Applicant: City of Carlsbad

Applicant's Address: 1635 Faraday Ave. Carlsbad, CA

Applicant's Telephone Number: 442-339-7584

Name of Applicant/Identity of person undertaking the project (if different from the applicant above):
N/A

Exempt Status: (Check One)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269 (b)(c));
- Categorical Exemption - State type and section number: 15307; 15308
- Statutory Exemptions - State code number: _____
- Common Sense Exemption (Section 15061(b)(3))

Reasons why project is exempt: See Attachment

Lead Agency Contact Person: Eric Lardy **Telephone:** 442-339-2600



DON NEU, City Planner

3/24/22

Date

Attachment to CEQA Determination of Exemption

Exempt Status: Categorical Exemptions: Section 15061(b)(3) (Common Sense Exemption); Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources); Section 15308 (Actions by Regulatory Agencies for Protection of the Environment)

Reasons why Project is Exempt: The proposed project would prohibit food service providers, or others using foodware at all city facilities and city-affiliated events, from providing prepared food in foodware made of polystyrene and, instead, require use of foodware that is reusable or compostable. The ordinance's proposed prohibition would result in greater use of foodware that is reusable or compostable. Reusable foodware have lesser environmental impacts than polystyrene in that they conserve natural resources and reduce the amount of material entering the waste stream. Similarly, compostable foodware has lesser environmental impacts than polystyrene in that they can be composted by the city's organic materials collection program, whereas polystyrene will be landfilled in the city's collection program.

Expanded polystyrene, sometimes called "Styrofoam", is one form of plastic that is a harmful pollutant. Expanded polystyrene breaks down into smaller pieces, is easily carried by wind onto beaches and waterways, harms wildlife, and persists in the marine environment. Polystyrene items and small single-use plastic foodware items, such as straws, are often difficult to recycle and are not accepted in the City of Carlsbad's recyclable materials collection program. Polystyrene has also been identified as one of the most common contaminants in the city's recyclable materials containers. Single-use disposable materials from food and beverage consumption, which include polystyrene items, make up approximately twenty-five percent (25%) of the waste produced in California.

Recognizing these, and other issues with plastics, the Legislature of the State of California found and declared in California Public Resource Code Section 42355 that "[l]ittered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs." The United Nations Environment Program has also declared plastic marine debris, and its ability to transport toxic substances, one of the main emerging issues in our global environment.

A study from San Diego Coastkeeper found that fifty-three percent (53%) of the collected beach litter samples on the San Diego coastline was plastics, much of which was made of polystyrene. Furthermore, according to a 2013 report by Natural Resources Defense Council, communities on the west coast with populations ranging from seventy five thousand (75,000) to two hundred and fifty thousand (250,000) spend an average of eight dollars and ninety four cents (\$8.94) per capita on cleaning up litter and preventing it from entering waterways.

In light of similar information, and studies such as these, the state Legislature enacted AB 1884 (Calderon, 2018) which prohibited full-service restaurants from providing single-use plastic straws unless requested by the consumer. No known significant effects on the environment have resulted from this state law. The state Legislature also enacted AB 1276 (Carrillo, 2021), which expanded on AB 1884 to require accessory food service ware (e.g., utensils, chopsticks, straws, stirrers) and condiments to only be provided upon consumer request, among other related requirements. No known significant effects on the environment have resulted from this state law.

According to Californians Against Waste, since 1989 at least 128 jurisdictions in California have adopted local ordinances banning polystyrene and/or other forms of single-use plastics. The cities of Encinitas, Del Mar, and Solana Beach are among these 128 jurisdictions.

The City of Encinitas prohibited food providers from providing prepared food in disposable food service ware made from expanded polystyrene in 2017 and later expanded the prohibition to include other types of single-use plastics in 2019 and 2020. The City of Del Mar prohibited food providers from dispensing prepared food to customers in disposable food service ware made from expanded polystyrene or non-recyclable plastic in 2019. The City of Solana Beach prohibited the sale or distribution of any food service ware that was made from polystyrene foam or other non-recyclable and non-compostable material in 2020. None of these three neighboring cities have repealed these polystyrene or single-use plastics ordinances. There have been no known significant effects on the environment resulting from these local ordinances.

Accordingly, the proposed project will not only comply with new state regulations but also align city policy with environmental and sustainability guiding principles, reduce litter and marine debris and improve the city's solid waste diversion rates. For these reasons, the proposed project would protect the environment and not have a significant impact on the environment.