

October 4, 1988

REPORT TO THE COMMITTEE ON PUBLIC SERVICES AND SAFETY
PROHIBITION OF PLASTIC FOOD CONTAINERS

On September 21, 1988, the Public Services and Safety Committee directed the City Manager to return on October 5, 1988 with a recommendation concerning an ordinance for minimization of the sale and distribution of polystyrene plastic fast food packaging products using CFC-12. CFC-12 is a fully halogenated chlorofluorocarbon product that has a demonstrated adverse effect upon the ozone layer of the atmosphere with potentially significant environmental consequences.

We have reviewed the proposed draft ordinance contained in City Manager's Report No. 88-464. It is our observation that, if enacted, enforcement would be difficult and very costly. In the final analysis, we have serious doubts as to its validity. The subject matter is more properly a matter for federal and state regulation, particularly since its efficacy depends upon curtailment of the use of certain chemicals at the point of manufacture. We understand that Assembly Bill 3761 (Connelly & Hauser) which would have regulated this subject was vetoed by the Governor.

Should you wish to adopt such an ordinance in advance of federal or state legislation, you should consider the feasibility of its enforcement before adopting it. Should it then be your decision to propose such an ordinance, we would recommend that the ordinance proposed in the Manager's Report be revised for greater specificity for enforcement as in the attached ordinance.

Respectfully submitted,

JOHN W. WITT

City Attorney

RH:mrh:502(x043.1)

Attachment

RC-88-49