

July 1, 2012

Subject: New Packaging Requirements and Prohibited Use of Plastic Foam Products

Dear City of Palo Alto vendor,

The Cities of Palo Alto, San Jose and Sunnyvale are working together to minimize waste and water pollution from packaging materials received with the goods they purchase. This collaborative effort is coordinated through the municipal agencies that operate programs responsible for zero waste and water pollution prevention in partnership with each city's Purchasing Department and is driven by both policy goals and regulatory requirements. This letter provides information about the City of Palo Alto's future packaging requirements which go into effect January 1, 2013.

The City of Palo Alto is seeking vendor cooperation to:

1. Minimize secondary and shipping (tertiary) packaging to the maximum extent feasible while protecting product safety during delivery;
2. Encourage each vendor's own supply chain to minimize packaging and discontinue the use of expanded plastic foam in primary packaging (packaging directly in contact with the product).
3. Please note that as part of this effort:
 - a. Expanded foam plastics such as expanded polystyrene and other resins, **will be prohibited from use in secondary and shipping packaging at the City of Palo Alto effective January 1, 2013**; this includes EPS molded blocks, "peanuts," and injected foam;
 - b. The City of Palo Alto has revised its Terms and Conditions of purchase (Attachment) as it relates to the prohibition of plastic foam plastics and other Environmentally Preferred Purchasing requirements. Liquidated damages (Attachment) may be assessed if vendors are noncompliant;
 - c. Compostable and biobased packaging alternatives (e.g., mushroom-based or plant-based plastic foam alternatives) may be considered as packaging substitutes in consultation with the City's Environmental Services Division, 650.329.2117.

The City of Palo Alto's packaging restrictions are effective as of **January 1, 2013** to allow vendors time to work with their own operations and supply chain to make these

changes. It is preferred and appreciated, however, if the change can be made prior to this date.

Questions or comments about these requirements may be directed to Julie Weiss, Public Works–Watershed Protection, Julie.weiss@cityofpaloalto.org, 650.329.2117.

For more information about packaging alternatives and efforts that other public agencies are making to reduce plastics and excessive packaging material in their supply chain, visit www.responsiblepurchasing.org.

Sincerely,

City of Palo Alto Purchasing Department

Attachment A-Definitions

1. **“Foam plastic”** is a category of rigid or spongy plastic packaging materials that are extruded or molded into blocks, peanuts or other shapes. This category of packaging materials includes expanded polystyrene (EPS), polyurethane and polypropylene. Increasingly, environmentally preferable foam plastics are entering the market that are made with plant-starch, mushrooms and other biobased materials, that sometimes can be composted at the end-of-their useful life.
2. **“Expanded Polystyrene” (EPS)** is a foam plastic polymer made of styrene molecules that are either extruded or molded into rigid packaging materials such as "peanuts" or blocks. It is used widely for food service applications due to its insulating ability and as a general packaging material due to its ability to protect products from damage during transport and its light weight nature. While EPS is technically recyclable, it is rarely accepted in commercial or residential recycling programs because it is costly and bulky to transport. Polystyrene foam packaging debris is a major component of the non-biodegradable plastic waste that is found in the ocean and other waterways, which threatens the health and safety of fish and other wildlife.
3. **“Reusable shipping containers”** are items such as pallets, boxes and crates that can be returned to the vendor or manufacturer at no cost to the City;
4. **“Recyclable shipping materials”** A packaging material is considered “recyclable” if it is acceptable in the receiving jurisdiction’s recycling program. The City of Palo Alto’s recycling program will accept paper, molded paper and unwaxed corrugated cardboard. Film plastics are also accepted in the City’s recycling program but vendors are discouraged (but not prohibited) from using them. For a full list of materials that are accepted and not accepted in the City of Palo Alto’s commercial and institutional recycling program, see www.zerowastepaloalto.org or by calling (650) 496-5910.

5. **“Compostable packaging materials”**

A bio-based plastic packaging material is considered “compostable” if it:

- a) Is certified by the Biodegradable Products Institute (BPI) and has received the BPI Compostable Logo or another acceptable certifying body. Biodegradable packaging materials could include “biobased” peanuts and plastics or waxed cardboard.



<http://www.bpiworld.org/BPI-Public/Approved/4.html>

- b) Meets one of the following ASTM standards:

- D6400 (for compostable plastics) or
- ASTM D6868 (for compostable paper with a bioplastic liner or coating).
- Equivalent commercial compostability standards include: ISO 17099, DIN EN 13432 or AS 4376.



- c) Other acceptable eco-labels, which demonstrate that a biobased plastic packaging material is certified as “commercially compostable” include:
- Green Seal GS-35 (USA)
 - AIB Vincotte Inter (Belgium)
 - Din Certco (European Union)
 - Australian Environmental Labeling Association
 - Japan Bioplastics Association

These standards do not necessarily mean items will be accepted in local composting programs, or that they are preferred products. **Check with local composting facilities to ensure acceptance of these materials.**

6. Biobased: According to the US Department of Agriculture (USDA) biobased products are commercial or industrial products (other than food or feed) that are composed in whole, or in significant part, of biological constituents, renewable agricultural materials (including plant, animal, and marine materials), or forestry materials. Biobased content is the percentage of carbon content that is derived from renewable agricultural materials.



The USDA has established and proposed minimum biobased-content standards for many *product categories*, including several types of packaging. A product or package must meet or exceed the minimum biobased content percentage in its given category in order to use the Certified Biobased Product label. For example, USDA has established a minimum biobased- content standard of 82% for non-durable thermal shipping containers, which includes “insulated containers designed for shipping temperature-sensitive materials. These are thermal shipping containers that are designed to be used once.” It has proposed the same minimum biobased content standard for other types of packaging materials, which includes “pre-formed and molded materials that are used to hold package contents in place during shipping.” For more information about the USDA’s BioPreferred Program, including a list of Certified Biobased Products, go to http://www.biopreferred.gov/Biobased_Products.aspx.

Attachment B—City of Palo Alto New Terms and Conditions for Environmentally Preferred Purchasing effective March 1, 2013

Attachment C—Liquidated Damages