

*Andrew Klein*

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief
	AGENCY NAME & ADDRESS	Bureau of Budget and Management Research Room 432, City Hall (396-4941)
	SUBJECT	City Council CCB 12-0104 – Food Establishments – Polystyrene Products

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:  
December 18, 2012

Honorable President and  
Members of the City Council  
C/O Karen Randle  
Room 409, City Hall

This CCB 12-0104– Food Establishments – Polystyrene Products is for the purpose of prohibiting food service establishments from using certain polystyrene products.

**Analysis**

This bill will amend Subtitle 5 – Miscellaneous Regulations, of Title 6 – Food Service Facilities, of the Health Article of the Baltimore City Code, by adding Section 6-508. Section 6-508 will provide that “no food service facility may use any cups, plates, dishes, bowls, containers, or similar items made from polystyrene.”

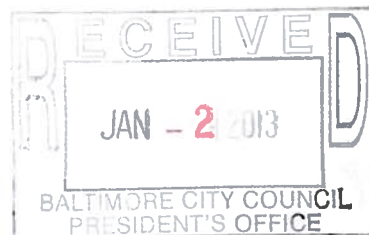
This bill also provides for enforcement of the ban on polystyrene by repealing and reordaining, without amendments, Sections 6-801 and 6-802 of the Health Article. These sections allow for the issuance of environmental citations and provide the penalties for violations of the provisions of Title 6. Additionally, Section 40-14 of Subtitle 40 Environmental Control Board, of Article 1 of the Baltimore City Code is amended to include a \$200 penalty for a violation of Section 6-508 of the Health Code.

While any ban on the use of polystyrene is likely to have positive benefits for the environment, the lack of specific implementation guidance within Section 6-508 makes the fiscal impact of this legislation purely dependent on how the Health Department chooses to enforce it.

**Fiscal Impact**

The fiscal impact of this bill is likely to be negligible. The Health Department has indicated that it prefers the inclusion of the provisions of Section 6-508 among the considerable list of other provisions that Health Department inspectors already apply when inspecting food service facilities. This is as opposed to an immediate and concerted effort to eliminate the use of polystyrene in food service facilities as quickly as possible, an option that would require additional personnel and resources. Accordingly, the Department has indicated that its response to the passage of this legislation would be twofold.

*W.S.J.*



First, the Department would process a mailing to every current holder of a license to operate a food service facility informing them of the new law. Based on the number of licenses currently issued to food service facilities, it is estimated that such a mailing would have minimal costs.

The Health Department would then simply incorporate a brief search for polystyrene containers into the list of things that inspectors already look for when inspecting food service facilities. While it could conceivably take longer to ensure the elimination of polystyrene from all of the City's food service facilities, no additional personnel would be required. Accordingly, the cost of enforcement would be absorbed by the existing inspection program.

While there is likely to be some nominal amount of revenue raised by the issuance of fines for the continued use of polystyrene, the amount is expected to be minimal.

### **Recommendation**

The Finance Department does not oppose CC Bill 12-0104.

CC: Harry Black  
William Voorhees  
Angela Gibson