

June 3, 2025

The Honorable Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814
cc: Zoe Heller, Director CalRecycle

Re: Polystyrene Foam Food Service Products - Enforcement

Dear Governor Newsom,

When you served as mayor of San Francisco, you successfully banned polystyrene [foam food service and packaging products in 2007](#) and worked to ensure the law was strictly enforced. Now that you are governor and state law has banned polystyrene foam food service products, we are writing to urge you to enforce the statewide ban with the same level of commitment as when you served as mayor.

It's been more than five months since polystyrene foam food service products were legally banned in California on January 1, 2025. Since then, violations of the law continue to contribute to plastic pollution and microplastics, endangering the health and safety of Californians and our environment. **The 93 undersigned organizations and businesses urge you to direct CalRecycle to immediately implement and fully enforce this ban.**

Polystyrene foam is one of the [worst forms of plastic pollution](#) affecting our state and, despite some deceptive claims, polystyrene is not recyclable. The lightweight, plastic material quickly breaks up into tiny microplastic pieces and is easily picked up by the wind, making its way into our environment. In the ocean, polystyrene is mistaken for food and is [often ingested](#) by marine animals. Polystyrene's major ingredient is [styrene](#), a probable [human carcinogen](#), and the chemical can lead to vision and neurological problems. The toxic chemicals in polystyrene are especially concerning since they can [easily leach into food and beverages](#). For more information on the health issues of polystyrene foam, please see the Beyond Plastics' fact sheet [here](#), as well as the April 2025 report from Oceana [here](#).

CalRecycle has the clear authority and legal obligation to communicate, implement, and enforce the ban, yet the agency has been mostly silent since January 1, with the exception of a [brief communication](#) bulletin on April 4, 2025, stating:

"To continue selling expanded polystyrene (EPS) food service ware in the state, EPS food service ware producers must demonstrate that all EPS covered material meets a 25% recycling rate as of January 1, 2025. To date, this requirement has not been met. As a result, EPS producers are prohibited from selling, offering for sale, distributing, or importing EPS food service ware, like single-use takeout containers and cups, in or into California."

As you're aware, polystyrene foam is listed separately in the law, [SB 54 section 2 42057 \(i\)](#), and is not tied to the adoption of the final regulations. [According to SB 54, article 5. 42080 - 42084](#), CalRecycle has the authority to enforce and fine companies who sell or distribute polystyrene foam food service products up to \$50,000 a day, per violation, for non-compliance. Yet, polystyrene foam food service products [are still being sold and used](#) in California and can be found on the shelves at retailers, such as Smart & Final stores, as well as in restaurants, cafes, and fast food establishments throughout the state. In addition, these products can also still be purchased and shipped to California via e-commerce sites, including Amazon.

We would like an opportunity to meet with your staff in the Governor's office to discuss the lack of enforcement of this critical ban. Please contact Susan Keefe, Beyond Plastics Southern California Director, at susankeefe@bennington.edu to arrange a mutually convenient time. Thank you for your attention and consideration of this matter.

Sincerely,

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Southern California Director
Beyond Plastics

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