



## **CITY OF GLENDALE, CALIFORNIA REPORT TO THE SUSTAINABILITY COMMISSION**

### **AGENDA ITEM**

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Report: Regulation of Disposable Foodware Accessories

1. Motion recommending the City Council direct staff prepare an ordinance to regulate the use of disposable foodware accessories

### **COMMISSION/COMMITTEE ACTION**

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**Item Type:** Action Item

**Approved for** June 3, 2021 **calendar**

### **ADMINISTRATIVE ACTION**

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**Submitted by:**

Roubik R. Golanian, P.E., City Manager

**Prepared by:**

David Jones, Sustainability Officer

**Reviewed by:**

Michele Flynn, Director of Finance

Roubik R. Golanian, P.E., City Manager

Michael J. Garcia, City Attorney

Gillian van Muyden, Chief Assistant City Attorney

## **RECOMMENDATION**

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Staff recommends that the Sustainability Commission review this report and provide feedback to City Council regarding preparation of an ordinance to regulate the use of disposable foodware accessories.

## **BACKGROUND/ANALYSIS**

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At the January 26, 2021 City Council Meeting Council asked staff to review “Skip the Stuff” provisions and provide a report back to City Council on the applicability of amending the City of Glendale prohibition of single use plastics ordinance, or prepare a separate foodware accessories ordinance.

A skip the stuff provision would require that disposable foodware accessories be provided only upon request. Disposable foodware accessories include but are not limited to; utensils, straws, stirrers, condiment packages, splash sticks, cocktail sticks, toothpicks, napkins, wet-wipes, cup lids, cup sleeves and beverage trays. A skip the stuff provision would apply to food and beverage providers located within the City of Glendale, third party delivery services, online orders and would effect dine in customers, drive through customers and take out customers.

Background:

Single use accessories for food service or foodware accessories are provided to customers that don’t need them, creating an unnecessary waste that has to be managed and can be an unnecessary cost to food service operators. A large amount of foodware accessories are problematic in the waste stream, they are often hard to recycle and are discarded to landfill as waste.

As referenced in an April 2021 report to the Los Angeles City Council, the use of foodware accessories and single use plastics in general has increased during the Covid-19 pandemic due in part to CDC guidelines and the increase in takeout and online ordering during this period. The report indicated that the number of accessory items wasted has skyrocketed by an estimated 250-300% since the beginning of the pandemic. The research also indicated that approximately 82% of take out a delivery meals and consumed at home.

In April 2021 City of Glendale City Council passed an ordinance prohibiting the use of polystyrene and single use plastic products in the serving of prepared food at certain City managed events. This report outlines requirements to amend the single use plastics ordinance to include provisions that would require food service operators to provide foodware accessories only upon request, or prepare a separate foodware accessories ordinance.

Foodservice ware accessories would include disposable items such as utensils, condiment packages disposable plastic drinking straws, stirrers, splash sticks, cocktail sticks, toothpicks, napkins, wet wipes, cup lids, cup sleeves and beverage trays.

As the City of Glendale emerges from the pandemic the City should and can reopen in a more sustainable fashion. Requiring food and beverage providers to provide foodware accessories only upon customer request will help the City meet its zero waste goals and save food and beverage providers money.

The proposed amendment to the prohibition of Single Use Plastic ordinance would require that:

1. No food and beverage provider will provide self-serve disposable foodware accessories dispensers or provide or offer disposable foodware accessories to a dine in customer, take out customer, except upon customer request.
2. Not provide any disposable foodware accessories to a drive through customer, take out customer, delivery customer without a customer request
3. Choose whether to provide specific disposable foodware accessories to a drive-through, take-out, or delivery customer to prevent spills or for safe transport or delivery of a prepared food or beverage, such as cup lids, cup sleeves, and beverage trays, even without a customer request. A customer request shall not be necessary for a drive-through customer, takeout customer, or delivery customer to receive without a request a cup sleeve if the customer orders no more than one hot beverage, or a beverage tray if the customer orders more than one beverage.
4. OPT-IN FOR ACCESSORIES VIA ONLINE FOOD ORDERING PLATFORMS
  - a. Online Food Ordering Platforms that take orders of prepared food for pickup by or delivery to customers are required to provide options on the ordering platform that enable customers to choose which single-use foodware accessories and condiments to include with each order.
  - b. Online food ordering platforms must provide the prepared food vendor an option / method for listing a customized list of single use delivery accessories that are offered by each prepared food vendor listed on their platform.
  - c. If the prepared food vendor chooses not to customize its menu with a list of single-use delivery accessories, then the platform would post a statement “this restaurant has not listed single-use delivery accessories on its menu.” When no options are selected by the customer, the default practice shall be that no single-use food delivery accessories are provided.
  - d. For delivery orders, prepared food vendors may choose to include specific accessories, such as cup lids, spill plugs, and trays, in order to prevent spills and deliver food and beverages safely
5. OPT-IN FOR ACCESSORIES FOR TAKE-OUT DIRECTLY FROM FOOD SERVICE ESTABLISHMENT

- a. Prepared food vendors must provide single-use food service accessories and condiments items only upon request by customers or at a self-serve station, except that plastic items, such as straws, to meet the needs of persons with disabilities and must be kept behind the counter.
- b. Prepared food vendors offering standard condiments and spices are encouraged to use dispensers or bulk containers rather than pre-packaged individual serving packets.

Potential exemptions from an ordinance regulation foodware accessories may include health care facilities, as defined in Section 1250 of the California Health and Safety Code and residential care facilities for the elderly, as defined in Section 1569.2 of the California Health and safety Code.

State Wide Legislation: Assembly Bill 1276 has been introduced;

*“bill would instead prohibit a food facility or a third-party food delivery platform, as ~~specified~~, defined, from providing any single-use food accessories, as defined, to consumers unless requested by the ~~consumer and, commencing on January 1, 2023,~~ would consumer. The bill would require a third-party food delivery platform to provide each of its ready-to-eat food vendors with the option to customize the vendor’s menu, on the online food-ordering platform, regarding the availability of single-use food accessories, as provided. The bill would, commencing on January 1, 2023, prohibit a full-service restaurant that has adequate dishwashing capacity to sanitize reusable ~~service ware serviceware~~ from providing single-use ~~service—ware serviceware~~ to consumers except under specified conditions”*

Any amendment to the City of Glendale prohibition of single use plastics ordinance would comply with AB 1276.

Education and Outreach: On the recommendation from the Sustainability Commission that City Council direct staff to prepare an ordinance to regulate the use of disposable foodware accessories, staff will undertake and education and outreach campaign. The education and outreach campaign will target food and beverage provides within the City of Glendale, third party delivery/online ordering platforms and any food and beverage provider restaurant associations and chambers of commerce representation Glendale businesses.

Business Benefits: Benefits to food and beverage provides will occur through cost savings of not having to provide customers with foodware accessories as the upon request only provision will reduce the amount of items given out.

Implementation Approach: Staff propose that any ordinance regulating foodware accessories by phased in over a nine (9) month period.

Phase I - 0-3 Months: This phase of the implementation will be focused on education and outreach to food and beverage providers.

Phase II 3 – 6 Months: This phase of the implementation will be focused on food and beverage facilities with 26 employees or more and third party food delivery services with an online platform.

Phase III 6 – 9 Months: This phase of the implementation will be for all food and beverage facilities.

#### Next Steps:

Next steps are for the Sustainability Commission to direct staff to provide City Council with recommendations to prepare an ordinance or amend City of Glendale ordinance NO. 5964, entitled “AN ORDINANCE OF THE CITY OF GLENDALE AMENDING TITLE 8 OF THE GLENDALE MUNICIPAL CODE TO ADD CHAPTER 8.42 TO PROHIBIT THE USE OF POLYSTYRENE AND SINGLE-USE PLASTIC PRODUCTS IN THE SERVING OF PREPARED FOOD AT CERTAIN CITY MANAGED, CITY RUN CONCESSIONS, OR AT CITY SPONSORED EVENTS LOCATED ON CITY OWNED OR CONTROLLED FACILITIES” to include a foodware accessories upon request only provision.

#### **FISCAL IMPACT**

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There is no fiscal impact associated with the staff report recommending the preparation of an ordinance to regulate the use of disposable foodware accessories.

#### **ALTERNATIVES**

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Alternate 1: Sustainability Commission may recommend staff do not prepare an ordinance until the LA County Board of Supervisors recommends a county wide position of foodware accessories.

Alternate 2: Sustainability Commission may recommend staff to not consider recommending ordinance until staff have completed the staff report determining the feasibility of prohibiting the use of polystyrene and single use plastics aimed at food and beverage providers within Glendale’s City limits.

Alternate 3: The Sustainability Commission may consider any other alternative not presented by staff.

#### **EXHIBITS**

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