



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

AGENDA ITEM

Report: Regulation of Disposable Foodware Accessories

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

COMMISSION/COMMITTEE ACTION

Item Type: Action Item

Approved for July 1, 2021 **calendar**

ADMINISTRATIVE ACTION

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

Staff recommends that the Sustainability Commission provide a recommendation to City Council regarding preparation of an ordinance to regulate the use of disposable foodware accessories.

BACKGROUND/ANALYSIS

City Council at their January 26, 2021 meeting asked staff to review the “Skip the Stuff” provisions and provide a report back to City Council on the applicability of amending the City’s prohibition of single use plastics ordinance, or prepare a separate foodware accessories ordinance. City Council directed staff to bring the “Skip the Stuff” provision to the Sustainability Commission to provide a recommendation to City Council.

A “Skip the Stuff” provision would require food and beverage providers give disposable foodware accessories to customers only upon customer 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 all food and beverage providers located within the City of Glendale, to third party delivery services, to online orders and would affect dine-in, drive-through, and take-out customers.

On June 3, 2021, the Sustainability Commission heard a staff informational presentation on “Skip the Stuff”. At that meeting the Sustainability Commission directed staff to review the County of Los Angeles Single-Use Foodware Accessories Upon Request ordinance, and prepare a comparison analysis between what staff proposes versus what is included in Los Angeles County’s ordinance. In addition, the Sustainability Commission directed staff to propose a more compressed timeline for the potential implementation of an ordinance regulating Disposal foodware Accessories.

Comparison Analysis:

Los Angeles County’s “Single- Use Foodware Accessories Upon Request” ordinance (attached to this report as Exhibit 1) differs from what staff proposed to be included in a City of Glendale ordinance. The following sections are from Los Angeles County’s “Single- Use Foodware Accessories Upon Request” ordinance and not currently included in the City of Glendale proposed ordinance language.

1: Section 4.B. A food facility that provides ready-to-eat food to customers may ask the customer if they would like to be provided any single-use foodware accessories that the facility makes available for their customers (Page 7)

2: Section 4.B. Los Angeles County does not prohibit the use of single use self-serve dispensers or stations, with the exception of single use plastic stirrers or plastic straws-- which are prohibited. (Page 7)

3: Section 4.B. Los Angeles County does not prohibit a food facility from providing customers with single-use foodware accessories if they are included as part of a product that is pre-packaged by a manufacturer, such as a pre-packaged salad. (Page 7)

4: Section 4.E. Los Angeles County does not require food facilities to provide single-use foodware accessories to customers ordering ready-to-eat food. (Page 8)

5: Section 4. G. If a food facility is operated within a county facility that is located in a city that has adopted an ordinance prohibiting food facilities from providing single-use foodware accessories without request, the city's ordinance shall apply. (page 8)

6: Section 6.B. Third-party, online food-ordering businesses are not required to, but may, provide grocery stores with the opportunity to customize the menus appearing on the food-ordering platform to allow customers to select which accessories they would like to be included with their order. Neither a grocery store nor a third-party online food-ordering business is permitted to provide single-use foodware accessory unless the customer requests it. If the option to request single-use foodware accessories is not included, then no single-use accessories may be provided to such online customers. (Page 10)

Background:

Single use accessories for food service or foodware accessories are provided to customers that don't need them thus creating 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 because they are hard to recycle and are discarded to landfills as waste.

As referenced in an April 2021 report to the Los Angeles City Council, (attached hereto as Exhibit "B"), 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 are consumed at home.

In April 2021 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. The City has the option of either amending the existing 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 that applies City-wide.

Foodware 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.

The City of Glendale has the opportunity to re-open in a more sustainable fashion as it emerges from the pandemic. 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.

Proposed Disposable Foodware Accessory Ordinance Provisions:

The proposed amendment to the prohibition of Single Use Plastic ordinance or the development of a new ordinance would include the following requirements:

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 or a takeout customer, except upon customer request.
2. No food and beverage provider shall provide disposable foodware accessories to a drive through, take out, or delivery customer unless requested by the customer.
3. Food and beverage providers may choose whether to provide specific disposable foodware accessories to a drive-through, take-out, or delivery customer for health and safety purposes such as to prevent spills, for safe transport or delivery of a prepared food or beverage. The specific disposable foodware accessories a food and beverage provider uses for health and safety purposes may include cup lids, cup sleeves, and beverage trays, and these items may be provided even without a customer request. drive-through, takeout , or delivery customer is not required to 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 (e.g. “prepared food vendors”) 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 or method for posting 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 customer request or at a self-serve station, except that plastic items, such as straws, shall be provided 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, and it states:

“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”

If adopted, any amendment to the City of Glendale prohibition of single use plastics ordinance would be required to 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 an education and outreach campaign. The education and outreach campaign will target food and beverage providers 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 providers 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 post ordinance adoption:

Phase I: 60-day outreach and education campaign

Phase II: within 90 days of ordinance adoption all food and beverage providers with 26 employees or more and third party food delivery services with an online platform shall implement the requirements of the ordinance

Phase III: within 120 days of the ordinance adoption all food and beverage facilities shall implement the requirements of the ordinance.

Next Steps:

The next step for the Sustainability Commission is to direct staff to provide City Council with recommendations to prepare an ordinance or amend the existing Single Use Plastic prohibitions ” to include a City-wide foodware accessories upon request only provision.

FISCAL IMPACT

There is no fiscal impact associated with the staff report recommending the preparation of an ordinance to regulate the use of disposable foodware accessories. A more detailed fiscal impact analysis will be prepared prior to presenting the Commission’s recommendations to the City Council for consideration.

ALTERNATIVES

Alternate 1: Recommend The City Council adopt Los Angeles County’s form of the Single-Use Foodware Accessories Upon Request ordinance.

Alternate 2: Sustainability Commission may consider not recommending an ordinance until staff have determined 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

1. Los Angeles County’s Single-Use Foodware Accessories Upon Request ordinance
2. April 2021 Staff Report to the Los Angeles City Council re Foodware Accessories.