



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Single Use Plastic Prohibition Expansion

1. Motion to direct staff to prepare an ordinance to regulate the use and distribution of single use plastics food service ware, polystyrene food service ware, polystyrene coolers, polystyrene food packaging trays and on-premises dining reusable food service ware.

COUNCIL ACTION

Item Type: Action Item

Approved for March 22, 2022 **calendar**

EXECUTIVE SUMMARY

The City Council has adopted two ordinances tackling the use and distribution of single use plastics.

Ordinance No. 5964 adopted in April 2021 prohibits the use of single use plastic products in the serving of prepared foods at certain City-managed, City-run concessions or at City-sponsored events located on City-owned or controlled Facilities. Ordinance No. 5973 adopted in September 2021 regulates the distribution of disposable food ware accessories.

To continue efforts to reduce the use, sale and distribution of polystyrene materials and other single use plastic food ware items, staff recommend that any new ordinance would address the sale and distribution of:

- 1) Single use plastics such as utensils, stirring sticks or straws;
- 2) The sale or distribution within the City, any meat fish or poultry tray, produce tray or egg carton made in whole or in part from polystyrene;
- 3) The sale or distribution of polystyrene packing material;
- 4) Regulations for on premises dining for food or beverages to be served on or in

{{section.number}}b

- food service ware that is reusable;
- 5) No person or regulated entity shall sell any polystyrene food service ware or sell polystyrene coolers;
- 6) No City officer, official, employee, representative, contractor or agent, shall sell or distribute, or otherwise provide any plastic water bottles.

COUNCIL PRIORITIES

Safe & Healthy Community: Prohibiting the use, sale and distribution of single use plastic reduces littering in our community.

Sustainability: Prohibiting the use, sale and distribution of single-use plastic reduces pollution, and reduces demand for plastic production that's contributing to global climate change.

RECOMMENDATION

That City Council direct staff to prepare an ordinance to regulate the use and distribution of single use plastics food service ware, polystyrene food service ware, polystyrene packaging material polystyrene coolers, polystyrene food packaging trays and on premises dining reusable food service ware.

BACKGROUND

Single-use plastics are not just a problem in Glendale but across the globe. Locally, single-use plastics are a major source of litter and may contaminate recycling programs as confusion abounds around which forms of plastic are acceptable to discard in recycling bins.

Recycling of single-use plastics, especially food service ware plastic, is difficult. One of the main reasons why recycling can be burdensome is the Resin Identification Codes. These codes are imprinted on plastic products to indicate the type of materials they are composed of. This code system helps waste collectors and facilities identify if they can effectively process the recovered materials. The problem is that most, if not all recycling facilities, cannot process all plastic waste.

The recycling of small items such as straws, utensils, lids, stirrers, and lid plugs are also not economically viable at the municipal level. Items that are sent to the recycling facility are sorted on a conveyor belt and baled before being shipped to buyers. Small, lightweight items easily fall off the conveyor belt or become stuck in confined spaces within the equipment. The operational and labor costs of bundling these items exceed the value of

the items and therefore they are typically sent to the landfill rather than recycled.

Some disposable food service ware is made with plant-based polymers known as bioplastics. Unlike petroleum-based plastics, bioplastics are made from renewable resources such as corn, sugar, and soy protein and are often labeled “compostable.” Bioplastics are not recyclable like petroleum-based plastics; however, they are capable of decomposing in some industrial compost facilities (but not in the natural environment.) There is currently no facility in the Southern California region that can compost them. Because bioplastics look and feel very similar to petroleum-based plastics, it can be difficult for consumers and sorters to distinguish them from recyclable plastics. However, because they are not recyclable like petroleum-based plastics, bioplastics are viewed as contaminants by recycling processors. Bioplastics that end up in recycling and composting bins are separated and sent to landfills.

This fact, coupled with the increased usage of disposable plastic products over the years, means ocean pollution is growing at an alarming rate. The World Economic Forum predicts that by 2050 there will be more plastic in the ocean than fish by weight.

Additionally, the recycling market has recently experienced a huge disruption. China, traditionally the largest importer of U.S. recyclable material, began enforcing stricter requirements for importing solid waste. Since January 1, 2018, China has prohibited 24 types of solid waste materials, including household waste plastics such as food service ware. This has significantly impacted the recycling industry in the U.S., making recycling of many waste streams, including plastics and mixed paper, uneconomical.

In response to the issues described above, the Glendale City Council has adopted two ordinances tackling the use and distribution of single use plastics.

Ordinance No. 5964 adopted in April 2021 prohibits the use of single use plastic products in the serving of prepared foods at certain City-managed, City-run concessions or at City-sponsored events located on City-owned or controlled facilities.

The ordinance states: All Disposable Food Service Ware that Food or Beverage Providers use to serve prepared food and beverages at a City Event must be Marine-degradable. And, the City, its departments, contractors, agents and employees acting in their official capacity, shall not purchase, acquire or distribute for public use non-marine degradable food service ware for use at City Event.

Ordinance No. 5973 adopted in September 2021 regulates the distribution of disposable food ware accessories.

The ordinance states: No Food and Beverage Facility shall provide self-serve Disposable Food Ware Accessories dispensers, or provide, or offer Disposable Food Ware Accessories to a Dine-in or Take-out Customer, except upon Customer Request. However, a Food and Beverage Facility may ask a Drive-through Customer or Delivery Customer if the Customer wants any Disposal Food Ware Accessories.

And, Prepared Food Facilities that use Online Food Ordering Platforms are required to provide options on the Online Ordering Platform that enable customers to choose which Disposable Food Ware Accessories to include with each Online Order via an opting in option.

ANALYSIS

City Council asked staff to report back on the effectiveness's of the two (2) ordinances once in operation and to provide a report on expanding the prohibition of single-use plastics beyond the confines of City operations and skip-the-stuff provisions. Any possible extensions or new ordinance would extend to all food and beverage providers within Glendale's City limits and would prohibit the distribution of non-marine degradable food service ware including plates, bowls, trays, containers, straws, utensils, stirrers, and lid plugs.

What Other Cities Have Done

Currently, over 100 municipalities within the State of California have either restricted or prohibited the use of polystyrene and single-use plastics within their communities at large. Of these cities, more than 28 municipalities also prohibited the distribution of polystyrene straws, utensils, and lids at food establishments within their ordinances.

- On July 18, 2016, the City of Pasadena approved a Styrofoam ban that prohibited the distribution of Styrofoam food containers within City limits.
- The City of Culver City adopted an ordinance to regulate the sale and distribution of polystyrene disposable food service ware on May 8, 2017. This ordinance also prohibits the distribution and sale of polystyrene straws, utensils, and lids, as well as a "Cutlery Upon Request" policy.
- On August 18, 2018, the City of Santa Monica adopted a revision to their existing ordinance to prohibit the distribution of non-marine degradable disposable food ware.
- On May 2, 2018, the City of Long Beach approved a Styrofoam ban that prohibited the distribution of Styrofoam food containers within City limits.
- On July 31, 2019, Burbank officials took the first steps to free the City of polystyrene and other single-use plastic materials. They plan to hire a consultant to develop the ban. At this time, they do not prohibit the use of polystyrene and single-use plastic items.

- On June 5, 2018, the City of Manhattan Beach adopted a revision to their existing ordinance to prohibit the sale and distribution of plastic straws, utensils, and stirrers within its City limits.
- On April 24, 2018, the City of Berkley proposed an ordinance to prohibit dine-in restaurants from serving food in disposable food ware. Berkeley proposes that businesses charge customers \$0.25 for each take-out container and to-go cup distributed. The proposed ordinance is still pending.
- Other cities have recently taken additional measures to reduce the environmental impact of plastic straws and utensils. In 2017, both the City of Davis and the City of San Luis Obispo adopted a “Straw Upon Request” ordinance impacting only dine-in customers. On February 26, 2018, the City of Malibu adopted an ordinance to prohibit the sale and distribution of plastic straws, utensils, and stirrers within its City limits.
- On July 1, 2010, the City of Seattle authorized its General Manager/ CEO of Public Utilities to promulgate rules in accordance with the Chapter on Disposable Food Service Ware. Effective July 1, 2018, the City of Seattle adopted Director Rule SW-500.1 prohibiting the distribution of non-compostable straws and utensils.

Corporations have recently adopted or pledged to adopt similar policies in their food service and operations. Alaska Airlines began serving paper straws upon request July 16, 2018. Starbucks has removed plastic straws from its inventory. The Marriott hotel chain also eliminated plastic straws and stirrers from all its hotels.

Lessons Learned

Lessons learned from the implementation of the ordinances prohibiting the use and distribution of single use plastics have provided staff with insight to what has been working effectively and areas of required improvement. These include:

- a) Simplify the ordinance language – using terms such as marine degradable leads to confusion about what items are compostable, recyclable and accepted in the City’s waste management program. On future ordinances, it may be more appropriate to use the terminology “utilize materials which are accepted by the City’s organic waste collection program”
- b) Take the opportunity to address the sale, use, or distribution of other polystyrene items such as packaging peanuts, meat trays, egg cartons and polystyrene coolers.
- c) Undertake a more all-inclusive education and outreach program that includes social media information programs, education videos, and in-person community workshops.

Expanded Single Use Plastic Prohibitions

City Council asked staff to review the current single use plastic prohibition and report back

to Council on options available to further prohibit the use and distribution of single use plastics. The table below outlines the first two phases of the City's single use plastic prohibitions, as well as a potential Phase III single use plastics ban.

Phase I – City Facilities	Phase II – Skip-the-Stuff	Phase III – City Wide
All disposable food service ware to serve prepared food and beverages at City events must be marine degradable	Provide disposable food ware accessories to dine-in and take out customers upon request	Implement a City wide regulation for sale and distribution of plastic/PLA utensils, stirring sticks or straws
City Staff, contractors, agents shall not purchase or acquire non marine degradable food service wares	May ask drive through an delivery customers if they want disposable food ware accessories	Implement a City wide regulation prohibiting the use of polystyrene food trays
A food and beverage provider serving food at a city events shall only provide marine degradable straws and utensils upon request	Online opt-in feature to request disposable food ware accessories	Implement a City wide ban on polystyrene packaging material and polystyrene coolers
		Implement a reusable food service ware requirement for on-premise dining
		Disposable food service ware for take-out and delivery must be acceptable in the City's organic collection program

All regulations can make provisions to provide plastic straws to persons with disabilities.

Regulated Entities:

The proposed expanded single use plastics prohibition would impact a regulated entity. A regulated entity is any business, regardless of whether it consists of a sole proprietor, corporation, partnership or any other matter of organization, association or group.

To Whom the ban may apply:

- a) All City facilities

- b) All City special events that are open for public attendance, regardless if they are privately produced or City sponsored
- c) All citywide prepared food service providers including restaurants, grocery stores, delicatessens, retailers, hotels/motels with restaurants, convenience stores and farmer's markets

Staff recommend that any extension of current ordinances or new ordinance should comprise the following actions:

1. **Plastics:** No regulated entity shall sell or distribute plastic/PLA utensils, stirring sticks or straws.
2. **Produce Trays/Egg Cartons:** No regulated entity would be allowed to sell, offer for sale or distribute within the City, any meat, fish or poultry tray, produce tray, or egg carton made in whole or in part from polystyrene. Also, no egg cartons made from plastic shall be used, sold or distributed?
3. **Packaging Materials:** A regulated entity shall not use, sell or distribute polystyrene packing material, including, but not limited to foam peanuts, packing peanuts, foam popcorn, packing noodles, or shipping boxes. Any reusable packaging items that are acceptable to the City recycling or composting programs will be allowed.
4. **Regulations for on-premises dining:** Food or beverages served for consumption on the premises of any regulated entity to be served on or in food service ware that is reusable. Paper liner, paper napkins or foil wrappers acceptable to the City's recyclables or organics collection program may be used when required. Also, condiments, such as sauces, ketchup, or mustard, provided for on-site consumption, shall not be served in disposable, individual-serving packets.
5. **Take Out and Delivery Regulations:** Disposable food service ware for take-out or delivery shall be made from materials that are acceptable in the City's organics collection program and be free of fluorinated chemicals.

Starting in 2023

6. No person or regulated entity shall sell any polystyrene food service ware.
7. No person or regulated entity shall sell polystyrene coolers.
8. No City officer, official, employee, representative, contractor or agent, shall sell, distribute, or otherwise provide any plastic water bottles while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

Waste Management Considerations

The City of Glendale organics waste will be sent to City Terrace, a transfer station operated by Southland. The food waste will be sent to Puente Hills for co-digestion with biosolids. This means that acceptable products within the City's organics waste stream have to be paper or biodegradable plates, cups, and utensils.

Food waste items accepted at the Puente Hills facility in minimal quantities include:

- Oil, grease and bones;
- Packaging and cardboard;
- Paper or biodegradable plates, cups, and utensils;
- Plastic containers; and
- Clear plastic bags.

Paper items include napkins, bowls, boxes, cups, plates, paper straws and bags. Plant-fiber-based products made from wheatgrass fiber, sugarcane/bagasse and rice include hinged containers, trays and cup holders. There are also compostable wood items such as stirrers.

Consideration has to be given to the limited food service ware items for take-out and delivery accepted in the City's organics waste collection program and the capability of regulated entities to comply with regulations for these items.

Similar to the regulations for the distribution of disposable food ware accessories, staff recommends the City adopt a phased approach for adoption of the ordinance. The phased in approach would initially consist of an education phase. Post this education phase, defined large entities would have to comply with the ordinance within three months, followed by defined small entities that would have six months to comply.

Enforcement Considerations

At this early stage, staff's opinion is that Neighborhood Services-Code Enforcement does not have the staffing capacity to take on additional tasks relative to the enforcement of any potential new ordinance regulating the use, sale and distribution of single use plastic and polystyrene products. Due to the expanded volume of work directly related to code enforcement caseloads, recent new ordinances adopted by the City Council in the last two years, and other new ordinances in the planning stage, this proposed ordinance would be difficult to effectively enforce in the timely and responsive manner. With that in mind, staff is in the process of gathering data from other cities with similar ordinances to better understand resource requirements, both from an enforcement and an education process. Once the data gathering is complete, staff will determine whether the City has sufficient existing resources to effectively respond to any potential violation complaints that may arise with the implementation of such an ordinance.

Other possible enforcement options include:

1. Ask regulated establishments to self-certify that they are complying with the ordinance through the Business Registration Certificate process, which only occurs on an annual basis so that information and any compliance would be

staggered over time.

2. Investigate developing an agreement to work with LA County Department of Public Health on enforcement of the ordinances through their food establishment inspection program.
3. Only enforce the ordinance when complaints are received and in the order they are received, within existing caseloads. The City does not have the staff capacity to proactively enforce the ordinance. Further, current caseloads have response times of 2-3 weeks from their initial filing date. To many who make the effort to report such violations, this response time is considered unacceptable and is not reflective of community expectations.

Also, if City Council directs staff to prepare an ordinance further regulating the use, sale and distribution of single use plastics food service ware, polystyrene food service ware, polystyrene packaging material polystyrene coolers, polystyrene food packaging trays and on-premises dining reusable food service ware, a substantial stakeholder education program would also have to be developed.

Impacts on Regulated Entities

The ordinance will potentially change the way food service providers handle food service, take-out orders and drink service. The primary change will be the sourcing of alternative products to single-use plastic straws, stirrers and utensils. The City will assist food and beverage providers by providing information on where alternate items may be sourced from. However, it must be recognized that alternatives to plastic, in some circumstances, comes with a cost increase. Food and service may mitigate these costs by using reusable items and following the City regulations on distribution of disposable food ware accessories.

The table below outlines examples of cost differences between plastic and alternative items.

Item	Plastic	Alternative
Stirrers	\$2.49/1000	\$2.89/1000
Straws	\$10.19/1000	\$16.25/1000
Utensils Pack	\$71.96/1000	\$229/1000
To-go clamshell	\$315/1000	\$349/1000
Meat Tray	\$33.98/1000	\$122/1000
Egg Cartons	\$559/1000	\$202/1000
Packing Peanuts	\$22/7 cu ft. bag	\$18/7 cu ft. bag

For operations using Styrofoam packaging materials, there should be no change in required processes, as the alternative products behave in the same way.

For on-premises dining, the use of reusable food service ware is seen as a cost effective option for the operator's perspective. Other benefits include:

- Reduced disposable food service ware costs
- Improved customers' dining experience
- Prevention of litter near business
- Lower waste collection service costs

Fiscal Impact

The fiscal impact associated with the implementation of a new ordinance will depend on the desired levels and duration of outreach and community education and enforcement.

Community outreach and education will be handled by existing City staff and therefore no new cost will be associated with this aspect of implementation. The Education Program will include, but is not limited to, an electronic media campaign, community workshops, and informational educational videos. All content will be created by staff.

With respect to enforcement, staff is in the process of gathering data from other cities. This data will help determine whether the City has sufficient existing resources to respond to violation complaints without adding new personnel. Accordingly, the total potential fiscal impact of implementing such an ordinance cannot be definitively determined until data gathering and assessment of existing capacity is complete.

Next steps

Based on recommendations from the City Council, staff will prepare an ordinance to regulate the use and distribution of single use plastics, polystyrene packaging materials, polystyrene coolers, polystyrene produce trays, egg cartons and food service ware for on-premises dining.

Staff will be gathering data from other Cities to better understand the staffing resource requirements for the enforcement of an ordinance.

STAKEHOLDERS/OUTREACH

To gain an understanding of the acceptance associated with implementing a prohibition on the use and distribution of single use plastics Citywide, staff asked food and beverage providers to respond to a survey. The survey solicited information on their current practices regarding on-premises dining and their use and distribution of single use plastic food service ware. Key takeaways from the survey are:

- a) A majority of establishments are likely to offer reusable food service ware to dine in customers;
- b) 70% of establishments have dishwashing appliances;
- c) Disposable food service items offered to customers include:
 - a. To go containers - 75%
 - b. Straws - 50%
 - c. Utensils - 50%
 - d. Cups, plates and stirrers - 25%
- d) Alternatives to single use plastics used include:
 - a. PLA Plastics food service ware
 - b. Fiber based food service ware
 - c. Paper/edible food service ware
- e) Only 25% of respondents indicated they are working toward eliminating or reducing the use or distribution of single use plastics in their establishments

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This item is not subject to CEQA as it is not a project approval.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES

Alternate 1: Direct staff to prepare an ordinance to regulate the use of single use plastics food service ware, polystyrene food service ware, polystyrene coolers, polystyrene food packaging trays and on premises dining reusable food service ware.

Alternate 2: Recommend that a single use plastics ordinance exempt single use plastics food service ware, and instead focus on prohibiting the use and distribution of polystyrene packaging materials, polystyrene food service ware, polystyrene meat, fish, poultry, produce tray and egg cartons, polystyrene coolers and reusable dine-in food service wares.

Alternate 3: Consider any other alternative not presented by Staff

ADMINISTRATIVE ACTION

Prepared by:

David Jones, Sustainability Officer

Approved by:

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

EXHIBITS/ATTACHMENTS

Exhibit 1: Culver City Ordinance Waste Reduction Regulations