



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Development of plastic waste reduction regulations.

1. Motion providing direction to staff on elements to be included in plastics waste reduction regulations prohibiting the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packaging materials, polystyrene egg cartons, polystyrene produce trays, meat and fish trays, single-use plastic straws, stirrers and utensils, disposable cup charges, and reusable foodwares for dining on premises.

COUNCIL ACTION

Item Type: Action Item

Approved for November 29, 2022 **calendar**

EXECUTIVE SUMMARY

The City Council adopted two ordinances in 2021 tackling the use and distribution of single use plastics. Ordinance No. 5964 prohibits the use of single use plastic products in the serving of prepared foods at certain City-managed and City-run concessions, and at City-sponsored events located on City-owned or controlled facilities. Ordinance No. 5973 regulates the distribution of disposable foodware accessories.

Efforts to expand plastic waste reduction regulations could include the following elements:

- Prohibition of use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packing materials, polystyrene egg cartons, and polystyrene produce, meat and fish trays.
- Prohibition of the use of single-use plastic straws, stirrers, and utensils.
- Establishment of disposable foodware standards.
- Implementation of a disposable cup charge.

- Use of reusable foodware for dining on premises.
- Prohibition of any non-carbonated, unflavored drinking water in single-use plastic bottles.

COUNCIL PRIORITIES

Environmental Stewardship: Polystyrene products do not biodegrade and instead break down into smaller pieces and remain in the environment for an extended time. Polystyrene products take up space in landfills and causes litter in our cities. Animals often mistake these smaller pieces of polystyrene for food, causing harm or death. Prohibiting the use of polystyrene products may reduce the quantities of these products in our city and reduce the negative impacts associated with them.

RECOMMENDATION

That City Council provide direction on elements to be included in plastics waste reduction regulations prohibiting the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packaging materials, polystyrene egg cartons, polystyrene produce meat and fish trays, single-use plastic straws, stirrers and utensils, disposable cup charges, and reusable foodwares for dining on premises.

BACKGROUND

The City Council adopted two ordinances tackling the use and distribution of single-use plastics. Ordinance No. 5964, adopted in April 2021, prohibits using single-use plastic products to serve prepared foods at certain City-managed, City-run concessions or City-sponsored events located on City-owned or controlled facilities. That Ordinance requires for all disposable food service ware used by food or beverage providers to serve prepared food and beverages at a City event be marine-biodegradable. The City, its contractors, agents, and employees acting in their official capacity are not permitted to purchase, acquire or distribute for public use non-marine-biodegradable food service ware for use at City events.

Ordinance No. 5973, adopted in September 2021, regulates the distribution of disposable food ware accessories. This Ordinance prohibits food and beverage facilities from providing self-serve disposable foodware accessory dispensers or offer disposable foodware accessories to a dine-in or a take-out customer, except upon customer request. However, a food and beverage facility may ask a drive-through or delivery customer if the customer wants any disposable foodware accessories. In addition, 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 foodware accessories to include with each online order via an opting-in option.

Adopting these ordinances has reduced the use of plastic and has raised consciousness of the impact of plastic waste on our environment. Locally, single-use plastics are a significant source of litter and contamination in recycling programs as confusion abounds around which forms of plastic are acceptable to discard in recycling bins. Littered plastic products continue to cause significant environmental harm and burden governments with considerable cleanup costs.

On March 22, 2022, City Council approved a motion directing staff to prepare a report on the validity of prohibiting polystyrene, foodware, coolers, packaging materials, egg cartons, and produce trays. City Council directed staff to address the use of single-use plastic straws, stirrers and utensils, implementation of a disposable cup charge, and reusable foodwares for dining on premises.

ANALYSIS

Staff analyzed plastic waste reduction ordinances, primarily in Southern California, to determine the scope and scale of such ordinances and identify the most common implementable elements to be included in a comprehensive plastics waste reduction ordinance for the City of Glendale.

Staff requests the City Council provide direction on the following elements that may be included in a draft ordinance to be presented to the City Council for consideration.

1. Polystyrene: A prohibition of use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packing materials, polystyrene egg cartons, and polystyrene, meat and fish trays:

- A. No food or beverage provider shall distribute or sell any polystyrene foodware in conjunction with the sale of prepared food, raw food, or beverages at any location within the City.
- B. No person shall sell any polystyrene foodware or polystyrene cooler at any location within the City.
- C. No vendor in the City shall sell, distribute, or use polystyrene packing material, including, but not limited to, foam peanuts, packing peanuts, foam popcorn, or packing noodles.
- D. No person may sell, offer for sale, or otherwise distribute for compensation within the City any meat and fish trays, produce trays, or egg cartons made,

in whole or in part, from polystyrene, either as separate items or as part of the sale of raw food to consumers.

- E. Food and beverage providers that distribute prepared food, raw food or beverages in disposable foodware or disposable foodware accessories shall:
- (1) distribute only disposables that exhibit a resin code other than “No. 6” or “PS”; and
 - (2) maintain documentation about the composition of the disposable foodware or disposable foodware accessories. Documentation may include information from the supplier, manufacturer, or bulk packaging for the disposables and any other relevant information demonstrating that the disposable material is not polystyrene.

Applicability of this regulation:

The polystyrene prohibition shall apply citywide, including City facilities rented, leased, or otherwise used with the City's permission. Additionally, no person shall use or distribute polystyrene foodware at city-sponsored events, city-managed concessions, and city meetings open to the public. The City, its contractors, agents, and employees acting in their official capacity on city business shall not purchase or acquire polystyrene foodware or distribute it for public use.

2. Prohibition on the use of single-use plastic straws, stirrers, and utensils, where:

Food and beverage providers shall not use or distribute plastic straws, stirrers, or utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic, made from non-plastic materials, such as paper, pasta, sugar cane, bamboo, metal or wood.

There will be an accommodation that food and beverage providers may retain and dispense plastic straws available upon request to people with disabilities to provide equal access to food and beverage services within the City.

3. Establishment of a disposable foodware standards:

Foodware standards could be established where disposable foodware and disposable foodware accessories are of materials accepted by the City's recycling collection programs and compost collection programs. These standards would not pertain to non-compostable foil wrappers accepted in the City's recyclable collection programs. In addition, it is recommended that items be free of all

intentionally added fluorinated chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third-party certifying organization.

To assist food providers and beverage providers, the City shall maintain a list of suppliers that offer disposable foodware and disposable foodware accessories which comply with these disposable foodware standards on its website. Staff recommends that a 12-month grace period be granted to comply with the foodware standards. After the 12-month grace period, food and beverage providers can submit a request for an extension or exemption for specific disposable foodware items. The appropriate terms and timing of such extension or exemption would need to be determined.

4. Implementation of a disposable cup charge

A disposable cup charge could be considered, which would, for example, require food and beverage providers to charge 25-cents for disposable cups. The 25-cent charge is intended to assist the business in complying with the foodware standards. The 25-cent fee will be retained by the business, similar to the plastic bag fee. At the discretion of the business, customers can avoid the charge by bringing their own cups.

Charges for disposable cups shall be identified separately on any post-sale receipt provided. Such charges shall be identified for the customer on media such as menus, ordering platforms and/or menu boards. Customers placing orders by telephone shall be informed verbally of disposable cup charges.

Exemptions will be available to all Customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) or an electronic benefit transfer card (EBT) issued.

5. Use of reusable foodware for dining on premises

To reduce the use of single-use plastics, prepared food, raw food or beverages served for consumption on the premises of food and beverage providers shall only be served using reusable foodware. Disposable paper food wrappers, sleeves, and bags; foil wrappers; paper napkins; straws, paper trays, and plate-liners shall be allowed for dining on the premises, so long as they meet the disposable foodware standards.

Food and beverage providers that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse and sanitize reusable

foodware in compliance with the California State Health Code would be eligible to request an extension where they can demonstrate an inability to comply due to insurmountable space constraints, and/or other extraordinary, insurmountable circumstances.

The precise terms and conditions of such exemption and the person(s) responsible for making an exemption determination will need to be identified.

6. Single-Use Beverage Bottles

Direction could be given that no City officer, official, employee, representative, contractor, or agent, shall use, sell, distribute, or otherwise provide any non-carbonated, unflavored drinking water in single-use plastic beverage bottle or aseptic paper packaging while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

Sale or distribution of non-carbonated, unflavored drinking water in single-use plastic beverage bottle or aseptic paper packaging occurring subsequent to a declaration of emergency affecting the availability and/or quality of drinking water shall be exempt from this ordinance for the duration of the declared emergency.

7. Exemptions.

If City Council directs developing a plastics waste reduction ordinance, staff will create an exemption process. The process may exempt a food or beverage providers from the requirements, in whole or in part, upon a showing that complying with the requirements of the ordinance would cause either a significant undue hardship or contravene food safety laws or other laws. Undue hardship would include, for example, but not be limited to, where no alternative to using single-use plastics exists; where an alternative to single-use plastics is unavailable at a commercially reasonable price; where compliance with the proposed ordinance is unduly burdensome to the food or beverage provider, or where other regulations, including food safety laws conflict with the implementation of these regulations.

Exemptions would also pertain to food brought by individuals for personal consumption citywide. Additionally, food and beverage providers that have entered into a contract to purchase items not conforming to the disposable foodware standards within the year before the operative date of the ordinance will be exempt from the ordinance for four (4) months following its effective date.

8. Enforcement.

Neighborhood Services-Code Enforcement does not currently 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, ordinances adopted by the City Council in the last two years, and other ordinances in the planning stage, this proposed ordinance could not be enforced in a timely and responsive manner. With that in mind, staff is in the process of examining other code enforcement options, including:

- a. Ask regulated establishments to self-certify that they are complying with the ordinance through the Business Registration Certificate process, which only occurs annually, so that information and any compliance would be staggered over time.
- b. Staff has contacted the LA County Department of Public Health Environmental Health Division (DPH-EH) to assist with enforcing any potential ordinances through their food establishment inspection program. The Los Angeles County Department of Public Health's Environmental Health Division (DPH-EH) has identified about 668 sites in the City that are inspected and permitted by DPH-EH, based on the definitions provided by staff. DPH-EH has also determined that it will cost \$30 per site for DPH-EH to conduct the outreach and provide the City with the information if establishments comply with any proposed ordinance.
- c. Enforce the ordinance on a complaint-driven basis, and consider existing caseloads. The City does not have the staff capacity to enforce the ordinance proactively. Further, current caseloads have response times of 2-3 weeks from their initial filing date. To many who make an effort to report such violations, this response time is considered unacceptable and is not reflective of community expectations.

9. Impacts on Regulated Entities

An ordinance will change how food service providers handle food, take-out orders, and drink service. The primary change will be sourcing 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, come with a cost increase. Food and service providers may mitigate these costs by using reusable items and following the City regulations on the distribution of disposable food ware accessories.

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

Item	Polystyrene cost/1000	Alternative cost/1000	Differential
Egg carton	\$357.00	\$196.00	-45%
Meat trays	\$40.00	\$85.00	112%
Straws	\$6.00	\$12.00	100%
9" Plates	\$60.00	\$80.00	33%
Bowls	\$42.00	\$46.00	9%
Cold- cups	\$51.00	\$72.00	41%
Utensils	\$66.00	\$100.00	51%
Stirrers	\$2.49	\$2.89	16%
Coolers (each)	\$9.93	\$9.08	-8%
Packing peanuts	\$22/7 cu ft. bag	\$18/7 ci ft. bag	-18%

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, using reusable food service ware is seen as a cost-effective option for the operators. Other benefits include:

- Reduce disposable food service ware costs
- Improve customer dining experience
- Prevent litter near business
- Lower waste collection service costs

STAKEHOLDERS/OUTREACH

To gain an understanding of how implementing a prohibition on the use and distribution of polystyrene materials, plastic straws, utensils and stirrers city wide would affect the community, staff asked food and beverage providers to respond to a survey. The survey asked responders to provide 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 are items offered to customers are:
 - a. To-go containers 75%
 - b. Straws 50%
 - c. Utensils 50%
 - d. Cups. Plates, stirrers 25%

- d) Alternatives to single use plastics used are:
 - 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

Implementation Schedule

A public outreach campaign and education program will be implemented if City Council directs staff to prepare an ordinance. The outreach and education program will be focused on two campaigns.

- a. January, 2023 – March, 2023. Based on direction from City Council on items to be included in an ordinance, staff will undertake an eight (8) week stakeholder engagement campaign. This campaign will focus on acquainting impacted organizations with the proposed ordinance. At a minimum this outreach would include:
 - 1. Informational webinars
 - 2. Virtual Workshops
 - i. Providing information on alternative products
 - ii. Presentations from entities that have implemented similar ordinances
- b. After the ordinance effective date, a 90-day compliance window will focus on assisting organizations with compliance issues.

Proposed Timeline

- January, 2023 – March 2023 stakeholder engagement
- April, 2023 – Ordinance for introduction
- April, 2023 – Ordinance for adoption
- April, 2023 - July 2023 compliance assistance

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: Provide direction to include elements in plastics waste reduction regulations include; prohibiting of the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packaging materials, polystyrene egg cartons, polystyrene produce, meat and fish trays, prohibit single-use plastic straws, stirrers and utensils, implement a disposable cup charge, and reusable foodwares for dining on premises.

Alternate 2: Do not provide direction on the proposed plastic waste reduction regulations or direct staff to make changes to the proposed plastic waste reduction regulations.

Alternate 3: City Council may 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
