



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Ordinance Amending Glendale Municipal Code, 1995, By Replacing Chapter 8.42 In Its Entirety, Pertaining to Plastic Waste Reduction

1. Ordinance for Introduction

### COUNCIL ACTION

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**Item Type:** Action Item

**Approved for** January 10, 2023 **calendar**

### EXECUTIVE SUMMARY

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Staff respectfully recommend that the Glendale City Council introduce the Plastic Waste Reduction Regulations ordinance. The proposed ordinance would effectively introduce a ban on the use, distribution, and sale of polystyrene products and the distribution and use of plastic straws, stirrers, and utensils starting in April 2023. Starting April 2024, the proposed ordinance will establish standards for disposable foodware, where disposable foodware and foodware accessories must be accepted in the City's recycling or compost collection programs and be free of all intentionally added fluorinated chemicals. Further, in 2024 a disposable cup charge and regulations that reusable foodware is used for dining on premises will go into effect. Finally, starting in 2024, restrictions would go into effect on using single-use plastic beverage bottles for the City of Glendale operations.

## **COUNCIL PRIORITIES**

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**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**

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Staff recommends the City Council introduce an ordinance to regulate plastics wastes in the City of Glendale.

## **BACKGROUND**

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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 in City-owned or controlled facilities. That Ordinance requires all disposable food service ware used by food or beverage providers to serve prepared food and beverages at a City event to 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 providing or offering 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 plastic use and raised awareness of the impact of plastic waste on our environment. Locally, single-use plastics is 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, the use of single-use plastic straws, stirrers and utensils, a disposable cup charge, and reusable foodwares for dining on premises.

On November 29, 2022, City Council directed staff to prepare an ordinance regulating plastic waste. City Council provided direction that the Ordinance prohibits polystyrene products, single-use plastic straws, stirrers, and utensils. The proposed Ordinance should also establish disposable foodware standards, disposable cup charges, reusable foodware dining on-premises standards, and the prohibition of single-use beverage bottles.

## **ANALYSIS**

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Staff reached out to several Cities that had or are implementing plastic waste reduction regulations to review the scope and scale of such regulations, and to determine the requirements to be included in the proposed ordinance on plastic waste reduction. Staff also obtained input from external organizations, the Sustainability Commission, and the Glendale City Council.

Staff recommends that Chapter 8.42, regulating polystyrene and single-use plastic products (ordinance 5964), be repealed and replaced with a new Chapter of the Glendale Municipal Code, 1995. The proposed Plastic Waste Reduction Regulations are intended to be citywide and, as such, pertain to all City of Glendale operations. Staff recommend that all sections of the proposed ordinance, where appropriate, apply to City operations in its entirety upon adoption of the ordinance.

Staff recommend that the proposed Plastic Waste Reduction Regulations include the following requirements:

### **1. Polystyrene Prohibition**

The proposed ordinance prohibits the use, distribution, and sale of polystyrene foodware, polystyrene coolers, polystyrene packing materials, polystyrene egg cartons, polystyrene produce trays, and polystyrene meat and fish trays. The polystyrene prohibition would go into effect on April 22, 2023, and would impact all food and beverage providers and vendors using, distributing, or selling polystyrene products and include the following requirements:

- A. No Food or Beverage Provider shall use, 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 or distribute any Polystyrene Foodware or Polystyrene Coolers 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 within the City.
  - D. No Person may sell, distribute or use within the City any Meat and/or Fish Trays, Produce Trays, and/or Egg Cartons made, in whole or in part, from Polystyrene.
  - E. Food and Beverage Providers that distribute Prepared Food, Raw Food or Beverages in Disposable Foodware or Disposable Foodware Accessories shall: (1) Not distribute Disposables that exhibit Resin Code "No. 6" or "PS".
  - F. City employees, contractors, agents, and officers acting in their official capacity, shall not purchase, use, or distribute Polystyrene Foodware.
2. Staff recommends prohibiting the use and distribution of single-use plastic straws, stirrers, and utensils.

Single-use plastic straws, stirrers, and utensils are notoriously difficult to recycle and often end up as litter. Additionally, there are many alternate cost competitive products that are made of paper, metal, and wood that can enter the composting or recycling processes. Staff recommends that the prohibition of single-use plastic straws, stirrers, and utensils go into effect on April 22, 2023.

Food and beverage providers may retain and dispense plastic straws available upon request to accommodate people with disabilities to provide equal access to food and beverage services within the City of Glendale.

3. Establish standards for disposable foodware to take effect in 2024 where disposable foodware and foodware accessories must be accepted in the City's recycling or compost collection programs and be free of all intentionally added fluorinated chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third-party certifying organization or agency recognized by the

City. Non-compostable foil wrappers that are accepted in the City of Glendale recyclable collection programs may be used for burritos, wraps, and other items that require foil to contain and form the food item.

4. To drive behavior change and raise awareness of using single-use disposal items, starting in 2024, institute a \$0.25 charge when providing disposable cups for beverages. Food and beverage providers shall retain all income from the disposable cup charge.

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) shall be exempt from the disposable cup charge.

5. Starting in 2024, establish requirements for reusable foodware for dining on premises. Prepared food or raw food or beverages served for consumption on the premises of the food and beverage providers shall only be served using reusable foodware. Except for that, disposable paper food wrappers, sleeves, and bags; foil wrappers; paper napkins; straws and paper trays, and plate-liners shall be allowed for dining on the premises, so long as they meet the disposable foodware standards.

An extension or exemption process shall be in place for food and beverage providers that do not have on-site or off-site dishwashing capacity or cannot contract for services to wash, rinse and sanitize reusable foodware in compliance with the California State Health Code.

6. Starting in 2024 establish restrictions on the use of single-use plastic beverage bottles for City of Glendale operations, where no City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any 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.
7. Staff recommends that an extension or exemption process is developed. The food or beverage provider would have to show that complying with the requirements of the proposed regulations would cause either a significant undue hardship or contravene governmental requirements, including food safety laws that mandate the use of single-use plastics, or which disallow a substitution to items conforming to the disposable foodware standards outlined in this report. Undue hardship includes, but is not 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.

Citywide, food brought by individuals for personal consumption would be exempt from the regulations.

8. **Enforcement.** If the City Council adopts these regulations, they will be enforced through the administrative citation process set forth in GMC Chapter 1.24. The Glendale enforcement process will consist of issuance of warning notices for a first and second violation, thereafter violators would be subject to administrative fine of \$25 per day for a third violation and each subsequent violation, up to a maximum of \$300 per calendar year. The proposed fines will be set forth in the fee resolution that will be submitted when the Ordinance comes back for adoption.

9. Implementation Schedule:

Timing/Proposed Dates	Item
1/10/2023	Ordinance is introduced or modified per Council direction.
1/24/2023	Ordinance adopted.
4/22/2023	Ordinance comes into effect

## STAKEHOLDERS/OUTREACH

A public outreach campaign and education program will be implemented following the adoption of this ordinance regulating plastic waste. The public outreach campaign will last 90 days after the ordinance takes effect. The City Manager may extend the Education Program for an additional 90-day period up to one-hundred and eighty (180) days. During the Education Program period the City may promulgate rules and establish guidelines for implementing and enforcing this Chapter. Any such rules or guidelines shall become effective May 10, 2023. The City's Sustainability Officer, or his or her designee, shall post any such rules or guidelines in an easily accessible physical location at City Hall, shall also post them on the City's website and provide copies to any person upon request.

## **FISCAL IMPACT**

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The fiscal impact on the City from ordinance implementation will be associated with the desired levels and duration of outreach, community education, and enforcement. Community outreach and education will be handled by existing City staff; therefore, no new cost will be associated with staffing this aspect of implementation. The Education Program will include but is not limited to, webinars and electronic media campaign.

Concerning enforcement, Staff will follow up with 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.

An essential aspect of these regulations is the impact on food or beverage facility operators and others subject to the ordinance. The cost to food or beverage facility operators is expected to be varied depending on substitute materials required for compliance with the ordinance. For regulated entities to plan for changes in operation that this ordinance may require, Staff recommended that several requirements in the proposed ordinance take effect in April 2024 described herein.

## **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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Staff conducted environmental review and determined the ordinance does not require review under the California Environmental Quality Act ("CEQA") and that this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) because the adoption of this ordinance is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may be a significant effect of the environment, therefore the activity is not subject to the requirements of CEQA. Further the action is exempt pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), because these regulations involve the imposition of regulations for the protection of the environment through the reduction of plastic wastes, which include polystyrene, polystyrene packaging materials, single use plastics, from entering the waste stream, and from entering the environment.

## **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

## **ALTERNATIVES**

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Alternative 1: Staff recommends that the City Council introduce an Ordinance for Plastic Waste Reduction prohibiting polystyrene products, single use plastic straws, stirrers and utensils, establishing disposable foodware standards, disposable cups charges, reusable foodware dining on premises standards and the prohibition of single-use beverage bottles.

Alternative 2: Do not introduce or adopt the Ordinance for Plastic Waste Reductions in whole and select certain requirements as described in the report.

Alternative 3: City Council may consider any other alternative not proposed by staff.

## **ADMINISTRATIVE ACTION**

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**Prepared by:**

David Jones, Sustainability Officer

**Approved by:**

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

## **EXHIBITS/ATTACHMENTS**

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1. Ordinance for Plastic Waste Reduction Regulations