

LEGISLATIVE DIGEST

[Environment Code – Food Service Waste Reduction]

Ordinance amending the Environment Code to prohibit the sale or use in the City of single use food service ware made with fluorinated chemicals and certain items made with plastic; requiring that food service ware accessories be provided only on request or at self-service stations; requiring reusable beverage cups at events on City property; removing waiver provisions; setting operative dates; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

At present, Chapter 16 of the Environment Code prohibits sale, use, and distribution within the City of single-use food service ware items that are not compostable or recyclable, or are made with polystyrene foam. It also prohibits sale, use, and distribution of other specified types of polystyrene foam products, specifically packing materials, coolers, pool or beach toys, and dock floats or navigation markers, that are not encased with a more durable material, and egg cartons and meat and fish trays for raw meat or fish made with polystyrene foam. Chapter 16 includes waiver application and enforcement provisions.

Amendments to Current Law

This ordinance would add to Chapter 16 in the following ways. Beginning July 1, 2019, it would prohibit sale, use, and distribution of straws, stirrers, splash sticks, cocktail sticks, or toothpicks made with plastic, and forbid City departments from purchasing such items. It would also require City food vendors, facility food providers, departments, and City contractors or lessees operating under agreement with the City at a City facility to provide or sell food service ware accessories only upon a consumer’s request for specific items or at a self-serve station or dispenser. The ordinance would define these food service ware accessories to include items usually provided alongside prepared food that is in a single use plate or cup, such as single use utensils, napkins, cup sleeves and lids, food or beverage trays, splash sticks, straws, and toothpicks.

The ordinance would also require event food vendors serving beverages at events indoors on City property, or outdoors and subject to City permit, where more than 100 people attend or participate, to provide reusable beverage cups to at least 10% of attendees, or demonstrate reasonable effort to ensure that at least this percentage of attendees brought or will bring their own cups. It would add that strict compliance with Chapter 16 is not required where it would conflict with providing for any person’s medical needs, and would remove existing waiver application provisions.

FILE NO. 180519

In addition, beginning January 1, 2020, the ordinance would furthermore prohibit sale, use, and distribution within the City of single-use food service ware items that are not free of fluorinated chemicals.

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