

LEGISLATIVE DIGEST

[Environment Code - Single-Use Food Ware Plastics, Toxics, and Litter 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; require that food service ware accessories be provided only on request or at self-service stations; require reusable beverage cups at certain events that necessitate a City permit or are held at a City-owned or City-leased facility; remove waiver provisions; 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, including compostable, bio- or plant-based 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 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. Leases and permits authorizing sale of food and beverages at San Francisco International Airport would be required to incorporate terms mandating that the lessee or permittee comply with the ordinance.

Beginning January 1, 2020, the ordinance would also require event food vendors serving beverages at events with over 100 attendees or participants held at City-owned or City-leased facilities, or outdoors and subject to City permit, 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 have access to reusable cups at the event. It would add that strict

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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.

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

Background

This legislative digest reflects a substitute ordinance introduced at the Board of Supervisors on July 10, 2018. The ordinance was initially introduced at the Board on May 15, 2018.

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