

LEGISLATIVE DIGEST

[Environment Code - Single-Use Food Ware Plastics, Toxics, and Litter Reduction]

Ordinance amending the Environment Code to require food vendors to supply single-use plastic straws only upon request; provide for sale of plastic straws; clarify that nothing in Chapter 16 shall be construed to conflict with laws concerning the rights of individuals with disabilities; 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.

Beginning July 1, 2019, Chapter 16 will also prohibit sale, use, and distribution of single-use 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 also requires 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 defines food service ware accessories to include single-use 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 will be required to incorporate terms mandating that the lessee or permittee comply with the ordinance.

Beginning January 1, 2020, Chapter 16 also requires 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.

In addition, beginning January 1, 2020, the ordinance will prohibit sale, use, and distribution within the City of single-use food service ware items that are not free of fluorinated chemicals. Chapter 16 includes enforcement provisions.

In September 2018, Governor Brown approved California Assembly Bill No. 1884, adding Sections 42270 and 42271 to the California Public Resources Code. Beginning January 1,

2019, these new provisions will require full-service restaurants to provide single-use plastic straws only upon a consumer's request, and expressly allow municipalities and other local public agencies to adopt and implement ordinances or rules that would further restrict a full-service restaurant from providing a single-use plastic straw to a consumer.

Amendments to Current Law

This ordinance would allow for sale of single-use plastic straws in San Francisco, require food vendors to provide them only upon request and not at self-service stations, and clarify that nothing in Chapter 16 should be construed to conflict with the Americans with Disabilities Act, the Unruh Act, the Disabled Persons Act, or other applicable laws concerning the rights of individuals with disabilities. It is not a violation of the ordinance for any place of public accommodation to provide a single-use plastic straw to an individual who requests one, or for a place of public accommodation to acquire single-use plastic straws in sufficient numbers to meet the needs of individuals who may require use of plastic straws.

The ordinance would also require the Department of Environment to conduct outreach and education to affected food vendors and consumers about the provisions of Chapter 16.

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