



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>


ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 22, 2022

IN REPLY PLEASE

REFER TO FILE: **EP-4**  
**10369-3-1**

TO: Each Supervisor

FROM: Mark Pestrella, PE   
Director of Public Works

### **BOARD MOTION OF APRIL 5, 2022, AGENDA ITEM 7 SINGLE-USE PLASTICS ORDINANCE COMPLIANCE ASSISTANCE WAIVER PROGRAM**

On April 5, 2022, the Board adopted a motion directing measures be taken to provide outreach and compliance assistance to businesses affected by the Single-Use Plastics Ordinance. This report is to fulfill an element of the motion, which requests an initial report back with a clear and accessible process for businesses experiencing hardship to obtain waivers or exemptions.

Businesses that wish to assert undue hardship caused by complying with the Ordinance can apply for a waiver from Public Works; and it is expected, at a minimum, that they demonstrate one or more of the following:

- That they are a full-service restaurant at which access to adequate dishwashing facilities for reusable food serviceware is lacking.
- They have already purchased large amounts of noncompliant products and need 1 year or less to exhaust their existing inventory.
- That compliance causes undue financial hardship. This information will be reviewed by Public Works, and consideration of a waiver will be made on a case-by-case basis.

Public Works is developing a list of compliant products as a resource for businesses. Businesses can use any products from the list without the need to request approval. If no product is available, businesses can use existing products until a compliant product is available and do not need to request a waiver. Public Works will report back to the Board with more information on the list of available products and suppliers in August 2022.

Waivers, if granted, will be for a period of up to 1 year. During the waiver period, the business is expected to make diligent efforts to become compliant. The County will

Each Supervisor  
June 22, 2022  
Page 2

provide guidance and/or technical assistance to businesses to help them make the transition, including in-person site visits. If a business demonstrates inability to comply after 1 year, they can request consideration of an extension of their waiver; however, extensions will not be provided for failure to exhaust existing inventory. Public Works will continue to collaborate with other County agencies noted in the motion on education and outreach. These efforts will involve utilizing different channels including but not limited to social media platforms; blast e-mails; routine inspections of impacted, permitted businesses and establishments; and presentations at industry organization meetings such as the Food Safety Advisory Council. Additional information on compliance assistance, as requested in the motion, will be provided in a future report.

Public Works researched other jurisdictions' waiver programs including those for the Cities of Berkeley, San Francisco, and Long Beach and the State of New York. Based on this research and requirements of the County Ordinance, Public Works has developed a draft application form. The form and accompanying guidance document, once finalized, will be posted on Public Works' website in multiple languages and be accessible through other County agency's websites.

To support making the waiver process clear and accessible:

- Businesses will be able to fill out the application form and submit it to Public Works online or by postal mail.
- There will not be an application fee to apply for a waiver.
- Upon receipt of a waiver application, County staff will contact the applicant for any additional information and, if needed, an on-site inspection will be scheduled.
- No enforcement action will be taken while waivers are under review.
- An electronic notice confirming waiver approval or denial will be provided to the applicant within 60 calendar days of receipt of a completed application.
- It is expected that the waiver process will be opened in early 2023 to allow businesses plenty of time to obtain a waiver prior to the effective date of the Ordinance in May 2023.

If you have any questions, please contact me or your staff may contact Deputy Director Coby Skye at (626) 458-4016 or [cskye@pw.lacounty.gov](mailto:cskye@pw.lacounty.gov).

CS:ak

P:\SEC\BRISUP ORD COMPLIANCE ASSISTANCE WAIVER PROGRAM

cc: Chief Executive Office  
Consumer and Business Affairs  
County Counsel  
Executive Office  
Internal Services  
Public Health

**MOTION BY SUPERVISORS HAHN AND SOLIS**

April 5, 2022

**Amendment to # 7 by Supervisor Mitchell: Single Use Plastics Ordinance Compliance Assistance**

1. Direct the Department of Public Health, Department of Consumer and Business Affairs, Department of Public Works, Department of Economic Opportunity, and Chief Sustainability Office to plan and launch an extensive outreach and education campaign in the year leading up to the ordinance compliance period and the phase-in period that provides information about the single use plastics ordinance to food facilities, including the environmental benefits of the ordinance, products that meet the definition of compliant materials, and alternatives and exemptions available for business experiencing hardship. The education and outreach campaign should include materials in multiple languages and designed to address the needs of the diverse types of restaurants throughout the County. The plan should include an initial report back in 30 days with a clear and accessible process for businesses experiencing hardship to obtain waivers or exemptions.

MOTION

SOLIS \_\_\_\_\_

KUEHL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

MITCHELL \_\_\_\_\_

MOTION BY SUPERVISORS JANICE HAHN  
AND HILDA L. SOLIS

April 5, 2022

**Single Use Plastics Ordinance Compliance Assistance**

On October 15, 2019, the Board of Supervisors (Board) voted unanimously to approve a motion directing the Chief Sustainability Office (CSO), in coordination with various County departments to draft a recommended ordinance that would reduce the use of single-use plastics in the unincorporated portions of Los Angeles County. The motion requested language that would reduce and/or eliminate the use of single-use plastic food service ware by ensuring that materials used for disposable products are recyclable or compostable and promoting the use of reusables as alternatives to single use disposable food service ware.

Since the motion passed the CSO has engaged stakeholders to support development of the draft ordinance language. Stakeholder workshops have included representatives from environmental and environmental justice organizations, the plastics industry, the restaurant industry, the waste industry, academic institutions, and local jurisdictions. After COVID-19 related delays, development of the ordinance was restarted

MOTION

SOLIS \_\_\_\_\_

KUEHL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

MITCHELL \_\_\_\_\_

at the end of 2021. Since then, stakeholders have been invited to listening sessions and were given the opportunity to submit written comments.

A final recommended ordinance is before the Board today for the first reading. This ordinance requires disposable food service ware provided with ready-to-eat food, food trays, or egg cartons to be either compostable or recyclable. The ordinance will go into effect on May 1, 2023 for “brick and mortar” business, November 1, 2023 for food trucks, and May 1, 2024 for temporary food facilities, such as community events, caterers, and farmers markets. The ordinance will be enforced primarily by the Department of Public Works (DPW), in collaboration with the Department of Public Health (DPH), and DPH will assist with education and outreach. Enforcement will initially be complaint-based through the DPW.

By adopting this ordinance, we will help reduce non-degradable items entering the County’s waste stream and crowded landfills. However, we must recognize that requiring our businesses to transition to compostable or recyclable products may present initial challenges and some. The County should do its part in assisting our businesses as this ordinance is implemented.

**WE THEREFORE MOVE** that the Board of Supervisors:

1. Direct the Department of Public Health, Department of Consumer and Business Affairs, Department of Public Works, Department of Economic Opportunity, and Chief Sustainability Office to plan and launch an extensive outreach and education campaign in the year leading up to the ordinance compliance period and the phase-in period that provides information about the single use plastics ordinance to food facilities, including the environmental benefits of the ordinance,

products that meet the definition of compliant materials, and alternatives and exemptions available for business experiencing hardship. The education and outreach campaign should include materials in multiple languages and designed to address the needs of the diverse types of restaurants throughout the County;

2. Direct the Department of Public Works in coordination with the Department of Internal Services, Department of Consumer and Business Affairs, Department of Economic Opportunity, and Chief Sustainability Office, to compile a resource list of businesses that supply compostable or recyclable food ware items including their cost, work directly with suppliers to explore opportunities to assist small businesses and other food facilities, and actively monitor supply chain issues that may impact the availability of compostable or recyclable food ware items, and provide a written report back on these findings in 120 days; and
3. Direct the Chief Executive Officer, in coordination with the Chief Sustainability Office, Department of Consumer and Business Affairs, and Department of Economic Opportunity to report back in writing in 60 days on the feasibility of creating programs, such as mini-grants, to support small businesses in responding to the ordinance requirements, including providing small businesses with financial assistance as they transition to purchasing new compostable or recyclable food ware items for their business, and providing financial assistance and technical resources to small businesses that manufacture alternative products that meet the requirements of the ordinance. The report should include possible funding streams for this program.

# # #