



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

November 27, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

29 November 27, 2018

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**ENVIRONMENTAL SERVICES CORE SERVICE AREA
APPROVE THE INTRODUCTION AND SCHEDULING FOR ADOPTION OF AN ORDINANCE TO
AMEND TITLE 12, ENVIRONMENTAL PROTECTION,
OF THE LOS ANGELES COUNTY CODE, RELATING TO RESTRICTIONS ON PROVIDING
SINGLE-USE PLASTIC STRAWS AND STIRRERS
(ALL DISTRICTS)
(3 VOTES)**

SUBJECT

Public Works is seeking approval to introduce and schedule for adoption an ordinance to amend Title 12, Environmental Protection, of the Los Angeles County Code relating to requirements for businesses that serve food and/or beverages in the unincorporated areas of Los Angeles County to prohibit them from automatically providing plastic straws or stirrers to customers.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed ordinance is categorically exempt from the requirements of the California Environmental Quality Act for the reasons stated in this letter and the record of the project.
2. Introduce, waive reading, and place on the Board of Supervisors' agenda for adoption on December 4, 2018, an ordinance to amend Title 12, Environmental Protection, of the Los Angeles County Code relating to requirements for businesses that serve food and/or beverages in the unincorporated areas of Los Angeles County to prohibit them from automatically providing straws or stirrers to customers.

3. Delegate authority to the Director of Public Health to adopt regulations, as may be needed, relating to the implementation and enforcement of the ordinance.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Assembly Bill (AB) 1884, introduced by Assembly member Calderon (D-Whittier), was signed into law by Governor Brown on September 20, 2018, and goes into effect on January 1, 2019. This law prohibits full-service restaurants from providing single-use plastic straws or stirrers to customers unless requested by customers. The purpose of this law and the proposed ordinance is to reduce the amount of single-use plastic straws or stirrers that are used by customers in order to reduce plastic marine debris.

The recommended ordinance would expand the requirements of AB 1884 to, among other things, apply to all types of food service businesses in the unincorporated area of Los Angeles County, including fast food restaurants, mobile food trucks, cafeterias, bars, and other businesses that sell food and beverages to customers. The ordinance would also prohibit food-serving businesses from using self-serve dispensers for plastic straws or stirrers to prevent customers from taking straws and stirrers who do not need them. For food service businesses that currently provide plastic straws and stirrers to customers automatically with a beverage order or via a dispenser, it would require them to ask a customer if they want a straw or stirrer, and only provide it if they respond in the affirmative. The ordinance would not apply to food service businesses that use straws and stirrers made from nonplastic material, such as paper, sugar, or bamboo.

The penalty for violating the ordinance, after two written warning notices, is a fine not exceeding \$25 for each day of the violation, not to exceed \$300 annually.

Los Angeles County has a regional and global responsibility to consider its impact on the environment and develop responsible policies that promote sustainable behavior in its operations and communities. Los Angeles County generates a significant amount of waste from single-use food service ware items, including plastic straws and stirrers. Often, these products are improperly disposed of, end up in our waterways and are significantly contributing to marine plastic pollution. Plastics comprise an estimated 60-80 percent of all marine debris and 90 percent of all floating debris and primarily come from land-based sources, particularly trash and plastic litter in urban runoff. Local governments spend millions of dollars each year collecting debris from streets, flood control facilities, and beaches.

Adoption of the ordinance will help reduce the amount of single-use plastic in landfills, litter in the streets, beaches, waterways, and oceans and raise awareness of the effects of single-use plastic on the environment. This Board action is consistent with the Board's prior adoption on November 16, 2010, of an ordinance that restricts single-use plastic bags as a means of reducing litter that often ends up in the waterways and promotes more sustainable practices by Los Angeles County residents. This Board action is also consistent with the County's legislative agenda, which supports legislation that would reduce the negative environmental impacts of single-use items.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy II.3, Make Environmental Sustainability Our Daily Reality. This ordinance will reduce stormwater pollution, reduce plastic marine debris, and inspire the community to rethink which materials they use in order to reduce the amount of waste we generate.

FISCAL IMPACT/FINANCING

Enforcement of the ordinance will be implemented by the Department of Public Health as a component of their routine inspections of businesses that serve food and/or beverages. Therefore, adoption of the recommended ordinance is not anticipated to have any appreciable impact on the County's General Fund or any Department budget.

Any fines collected will be deposited in the Department of Public Health's budget to offset the cost of implementing and enforcing the ordinance.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On October 9, 2018, the Board of Supervisors unanimously approved a motion, which directed the Department of Public Works to coordinate with the Chief Sustainability Officer, the Department of Public Health, the Department of Consumer and Business Affairs, and County Counsel to draft an ordinance addressing the reduction of the use of plastic straws.

If adopted on December 4, 2018, the ordinance would be enforceable in the Los Angeles County unincorporated areas on January 3, 2019.

County Counsel has approved the ordinance as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed ordinance is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to Sections 15307 and 15308 of the California Environmental Quality Act Guidelines. These exemptions apply to actions by regulatory agencies to assure the maintenance, restoration, enhancement of a natural resource, and the maintenance, restoration, enhancement, or protection of the environment. The ordinance would help reduce debris from streets, waterways, beaches, landfills, and the ocean.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

These actions will not impact or adversely affect any current or future services or projects.

CONCLUSION

It is requested that the Executive Office of the Board send conformed copies of the approved Board recommendations and the adopted ordinance to County Counsel; the Chief Executive Office; and Directors of Public Works, Public Health, and Consumer and Business Affairs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA

Director

MP:CS:td

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
Chief Sustainability Officer
Consumer and Business Affairs
County Counsel (Talin Halabi)
Executive Office
Public Health