

MOTION BY SUPERVISOR SHEILA KUEHL

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Food Accessories Opt-in Requirement for Restaurants and Third-Party App-Based Delivery Platforms

As a result of the ongoing COVID-19 pandemic, restaurants continue to be restricted from operating at full capacity, with dining limited to distanced, outside service only. As a result, restaurants are heavily reliant on take-out and delivery orders for revenue, with customers often using third party, app-based delivery services to order and receive food.

At the same time, plastic waste continues to be a growing problem in Los Angeles County, and increasingly so, given the growth in the use of delivery services and the use of accompanying disposable food service ware. In addition to the millions of dollars spent trying to manage litter, there have been serious disruptions to recycling markets, particularly China’s “National Sword” policy, which have made it increasingly difficult to recycle plastic waste even when it’s disposed of properly. This issue was highlighted in a report authored by the UCLA Luskin Center, entitled “Plastic Waste in Los Angeles County” which was produced in response to an October 15, 2019 motion

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from the Board of Supervisors “Limiting Single-Use Plastics in Los Angeles County Unincorporated Areas.” The report was developed through extensive literature review as well as interviews with local waste haulers and Materials Recovery Facilities. Key takeaways from that report showed that food service ware is rarely collected for recycling and “accessory” items such as utensils and straws are essentially never recycled due to their size, potential food contamination, and lack of labeling as to materials content.

In addition, many take-out customers bring their orders home or have them delivered to their homes. In these cases, the accessories may not be needed by the customer, and as a result, may be discarded unused. Limiting the distribution of unwanted accessory items is a straightforward solution to reducing plastic waste that will also result in cost savings to businesses. This could be accomplished by asking that customers affirmatively request these accessories rather than giving out the items with all orders, by default.

I, THEREFORE, MOVE that the Board of Supervisors direct County Counsel, in coordination with the Chief Executive Office, the Department of Public Works, and the Department of Public Health, and after considering feedback from relevant business representatives and environmental and environmental justice stakeholders, to report back to the Board within 90 days with draft ordinance language requiring restaurants and other food service providers to only provide disposable food service accessories upon the request of the customer and to require third-party, app-based delivery platforms to include on their platforms an option for customers to affirmatively request food service accessories, as well as work with restaurants to ensure that the public is

informed of this transition. The ordinance should not preclude restaurants and other food service providers from asking customers if they would like accessories with their order, or providing self-service dispensers.

S:KY/SF: Food Accessories Opt-in Requirement for Restaurants and Third-Party App-Based Delivery Platforms