

MOTION BY SUPERVISOR SHEILA KUEHL

May 18, 2021

Single-Use Foodware Accessories Upon Request Ordinance

Restaurants and other food facilities often automatically provide single-use foodware accessories, such as utensils, straws and condiment packets, with take-out and delivery orders. In many cases, customers who do not want or need these accessories will discard them without even using them. In addition, many customers use third-party app-based delivery services to order food, and restaurants automatically include single-use accessories with orders that are placed through such services. Because of restrictions that have been placed upon in-person dining during the COVID-19 pandemic, the use of such third-party app-based delivery services has increased, and it is expected that the popularity of third-party app-based delivery services will continue after COVID-19 restrictions end.

The impacts of plastic waste were highlighted in a report authored by the UCLA Luskin Center, entitled "Plastic Waste in Los Angeles County," which was submitted to the Board of Supervisors on January 28, 2020, in response to a motion that was approved by the Board of Supervisors on October 15, 2019. The report described the environmental, economic, energy-related, and human-health-related impacts resulting from plastic production and waste in the County. Single-use foodware items, including

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both plastic and non-plastic items, often end up as litter, or end up in landfills because they typically cannot be recycled even when they are disposed of properly.

Effective January 2019, the Board adopted an ordinance prohibiting restaurants and other food facilities from providing single-use plastic straws and stirrers to customers except upon request. To further address the issue of waste resulting from single-use foodware accessories, on February 9, 2021, the Board directed County Counsel, in coordination with the Chief Executive Office, the Department of Public Works and the Department of Public Health, after considering input from relevant stakeholders, to prepare an ordinance prohibiting restaurants and other food service providers from providing any single-use foodware accessories to customers, except upon request, and to require third-party app-based delivery services to include options on their platforms for customers to affirmatively request such accessories.

The attached ordinance, which incorporates input received from stakeholder groups, will reduce the number of single-use foodware accessories that are handed out to customers and then discarded. Thus, it will provide a straightforward solution to reducing the environmental impacts associated with single-use foodware accessory waste. It will also result in cost-savings for restaurants and other food facilities.

The attached ordinance does not restrict restaurants and other food facilities from asking customers if they want single-use foodware accessories, and it allows restaurants and other food facilities to provide such accessories from a self-serve dispenser or station, with the exception of single-use plastic straws and stirrers. In order to provide time for educational outreach to affected businesses, enforcement will generally not commence until November 15, 2021.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Find that the enclosed Single-Use Foodware Accessories Upon Request

ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the State CEQA Guidelines. The ordinance is an action by the County to prohibit restaurants and other food facilities from providing single-use foodware accessories to customers except upon request, and to require third-party app-based delivery services to provide options on their platforms for customers to request single-use accessories. By reducing the amount of single-use foodware accessories that are provided to customers and then disposed, this ordinance will maintain, restore or enhance natural resources and protect the environment. In addition, based upon the proposed project record, none of the conditions that would make these exemptions inapplicable under Section 15300.2 of the CEQA Guidelines are present; and

2. Introduce, waive reading, and instruct the Executive Office to place on a future agenda, the enclosed Single-Use Foodware Accessories Upon Request ordinance.