

[CLICK HERE FOR THE DIRECTOR OF PUBLIC WORKS' REPORT DATED JUNE 22, 2022](#)

[CLICK HERE FOR THE CHIEF EXECUTIVE OFFICER'S REPORT DATED JULY 13, 2022](#)

[CLICK HERE FOR THE DIRECTOR OF PUBIC WORKS' REPORT DATED SEPTEMBER 19, 2022](#)



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.

# # #



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

FESIA A. DAVENPORT  
Chief Executive Officer

July 13, 2022

To: Supervisor Holly Mitchell, Chair  
Supervisor Hilda L Solis  
Supervisor Sheila Kuehl  
Supervisor Janice Hahn  
Supervisor Kathryn Barger

From: Fesia A. Davenport  
Chief Executive Officer

Board of Supervisors  
HILDA L. SOLIS  
First District

HOLLY J. MITCHELL  
Second District

SHEILA KUEHL  
Third District

JANICE HAHN  
Fourth District

KATHRYN BARGER  
Fifth District

## **SINGLE USE PLASTICS ORDINANCE COMPLIANCE ASSISTANCE (ITEM NO. 7, AGENDA OF APRIL 5, 2022)**

On April 5, 2022, the Board of Supervisors (Board) adopted a motion (Motion) directing the Chief Executive Officer in coordination with the Chief Sustainability Office (CSO), Department of Consumer and Business Affairs (DCBA), and Department of Economic Opportunity (DEO) to report back on the feasibility of creating programs, such as mini-grants, to support small businesses in complying with the Single-Use Plastics Ordinance (Ordinance) requirements and with transitioning to compostable or recyclable foodservice ware. The Chief Executive Officer was also to include possible funding streams for a program and assess the feasibility of providing financial assistance and technical resources to small businesses that manufacture products that meet the requirements of the Ordinance.

### **Grant Program for Ordinance Compliance and Funding Streams**

The CSO is currently leading a workgroup consisting of representatives from Chief Executive Office (CEO), DCBA, DEO, Public Works (PW), Department of Public Health (DPH), and Internal Services Department (ISD). The workgroup is coordinating and collaborating on all efforts related to the directives of the Motion in assisting businesses in becoming compliant with the Ordinance, which takes effect in May 2023. As part of this workgroup, the CEO has discussed the creation of a mini-grant program to assist small businesses with responding to the Ordinance.

From these discussions, the DEO expressed it has the knowledge and resources to create and administer a program that offers grants to small businesses (i.e., food facilities) responding to the Ordinance requirements. The DEO is currently investigating funding sources, including a conservation grant program from the U.S. Department of the Interior.



Each Supervisor  
July 13, 2022  
Page 2

Should the Department of Interior grant program not be appropriate, the DEO and CEO will work with the Board offices to discuss alternative sources of funds, including the potential repurposing of existing economic development funds.

The DEO is also working with industry representatives to determine the maximum amount of the mini grants that will be made available to small food facilities in the County unincorporated areas. These one-time, mini-grants will assist small food facilities to transition away from the use of single-use plastics, as it is anticipated that alternatives will become more available and less expensive in the future. Other jurisdictions provide similar grants for \$500 and \$750.

### **Resources to Manufacturers of Ordinance Compliant Products**

PW is leading outreach efforts that will inform impacted food facilities in the unincorporated areas of the rules and guidelines of the Ordinance. Part of this campaign will focus on providing businesses an initial list of Ordinance compliant products. Manufacturer's foodware products have the opportunity to have their products reviewed and be placed on the list.

PW is drafting the list through discussions and feedback from product manufacturers, product distributors, and other relevant stakeholders. PW will provide technical guidance to food facilities to help them understand product requirements of the Ordinance and determine if their foodware inventory complies. There are many nuances to product supply chains and the manufacturing and distribution processes, so PW will continue to coordinate education and technical resource efforts with all relevant stakeholders, including distributors, as the implementation of the Ordinance reaches each stage of progression.

### **Next Steps**

The CEO will continue to monitor plans for the proposed mini-grant program to ensure that funding is available to assist small businesses with Ordinance compliance, including at the recommendation of the DEO, and take steps to reallocate program funding as stated in this report.

Should you have any questions concerning this matter, please contact me or Emy Tzimoulis, at (213) 974-4603 or [ETzimoulis@ceo.lacounty.gov](mailto:ETzimoulis@ceo.lacounty.gov).

FAD:JMN:JFO  
EDT:AD:kdm

c: Executive Office, Board of Supervisors  
County Counsel  
Consumer and Business Affairs  
Economic Opportunity  
Internal Services  
Public Health  
Public Works



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

September 19, 2022

IN REPLY PLEASE

REFER TO FILE: **EP-4**  
**10369-2-1F**

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  
RESOURCE LIST OF PRODUCTS, OPPORTUNITIES TO ASSIST  
SMALL BUSINESSES, AND SUPPLY CHAIN ISSUES**

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. In response to Directive No. 2, Public Works in coordination with the Department of Internal Services, Department of Consumer and Business Affairs, Department of Economic Opportunity, and the Chief Sustainability Office prepared the attached summary.

The summary details findings from engagement with industry groups, large chain restaurants, food serviceware manufacturers, and environmental groups. It addresses supply chain concerns and next steps including education and outreach to businesses impacted by the Ordinance. One of the resources developed to assist businesses in complying with the Ordinance is a comprehensive list of compliant single-use products. A link to the product list is included in the summary report and will be distributed to effected businesses in the coming months as part of a comprehensive outreach effort.

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:er

P:\SEC\BR\SUP ORD COMPLIANCE ASSISTANCE RESOURCE LIST MEMO

Attach.

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

## **SINGLE-USE PLASTICS ORDINANCE COMPLIANCE ASSISTANCE RESOURCE LIST OF PRODUCTS, OPPORTUNITIES TO ASSIST SMALL BUSINESSES, AND SUPPLY CHAIN ISSUES**

### **Resource List of Food Serviceware Items**

Public Works led efforts to develop an initial list of single-use food serviceware products meeting the requirements of the Single-Use Plastics Ordinance, which allows impacted businesses to quickly compare prices. The list includes information about the product manufacturer, size, order quantity, unit price, contact information, and origin of the manufactured product.

Large wholesale retailers were contacted to inquire about products available for purchase. With increasing demand and supply chain issues, availability may fluctuate. Food establishments were engaged to provide feedback on the type of food serviceware products needed for their operations and any special food serviceware products for very specific or unique needs.

The product list will be distributed to affected businesses and made available online. It will continue to be a living document that can be updated as necessary throughout the life of the Ordinance. The current list can be viewed at the following link: [https://pw.lacounty.gov/epd/tf/Draft\\_Product\\_List.pdf](https://pw.lacounty.gov/epd/tf/Draft_Product_List.pdf).

### **Opportunity for Suppliers to Assist Small Businesses**

Public Works met with manufacturers of food serviceware products, who acknowledged that there is a general cost savings for businesses that can purchase products in bulk due to economies of scale. It is an advantage for manufacturers to offer discounts for bulk purchases to save on individual transaction and processing costs and to sell more products. One suggestion from the manufacturers is for small businesses to join together in a collective to make bulk purchases and receive a discount. Some business associations may be able to partner with small businesses and other food facilities to establish collective purchasing agreements.

Wholesale warehouse stores also present an opportunity for small businesses and other food facilities to purchase products at reduced prices since the wholesale warehouse is able to make bulk purchases and pass the discounts to their customers. The resource list of food serviceware items compiled by Public Works contains many products that can be purchased at wholesale warehouse stores in addition to being purchased directly from the manufacturer.

As described in the Chief Executive Office's recent report dated July 13, 2022, the Department of Economic Opportunity is also continuing to explore direct assistance to small business including grants to assist with purchasing new compliant products.

## Supply Chain Issues

Public Works also met with food serviceware distributors to discuss supply chain issues that may impact the availability of compostable or recyclable food serviceware items. Product manufacturers confirmed recent supply chain issues have been impacting the availability of certain fiber-based products and plastics made from polylactic acid. The lack of supply is being driven in part by the demand caused by ordinances like the County's that are going into effect around the Country. Considering the complexity of the supply chain and issues that may arise in the foreseeable future, Public Works will continue to monitor supply chain issues throughout the implementation phase of the Ordinance and make any necessary adjustments to the approved product list based on availability.

If Public Works determines that there is a specific food service application for which no compostable or recyclable single-use product can feasibly be used, an alternative product can be offered temporarily.

## Next Steps

Public Works will work with other County departments, including Public Health, over the coming months leading up to the earliest effective date of the Ordinance, May 1, 2023, to conduct an extensive outreach and education campaign. The components of this campaign include the following:

- Launch a public outreach and education website dedicated to the Single-Use Plastics Ordinance including the following:
  - brochures, flyers, and fact sheets for businesses and the public
  - list of compliant products
  - links and information to the Bring Your Own program located at <https://pw.lacounty.gov/epd/drp/BringYourOwn.aspx>
- Distribute education and outreach resources to food facilities through routine inspection conducted by the Department of Public Health during annual health inspections of permitted facilities under their jurisdiction.
- One-on-one meetings with small businesses and other food facilities to explain the requirements of the Ordinance, assist with education and outreach, and provide other resources.
- Implement a waiver process as described in our report dated June 22, 2022, and ensure it is clear and accessible. The waiver process will be opened in early 2023 to allow impacted businesses to obtain a waiver prior to the effective date for their business type.
- Pursue grant opportunities for third-party environmental groups to assist with in-person education and outreach.

**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.

# # #