



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 21 - 0125
APR 08 2021

REPORT RE:

**DRAFT ORDINANCE AMENDING ARTICLE 3 OF CHAPTER XIX OF
THE LOS ANGELES MUNICIPAL CODE TO REGULATE THE USE OF
DISPOSABLE FOODWARE ACCESSORIES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 21-0064

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. As requested, this Office worked in consultation with the Los Angeles Bureau of Sanitation (LASAN) in the development of this draft ordinance and its components. The draft ordinance retitles and amends, in its entirety, Article 3 of Chapter XIX of the Los Angeles Municipal Code to expand the initial regulation of plastic straws to include disposable foodware accessories.

Single-use foodware accessories, whether used or unused, inevitably become waste in our landfills and can remain intact for centuries. No recovery facility currently exists that serves Los Angeles County to economically recycle single-use food service products. Plastics, a common material for foodware accessories, are produced by fossil fuels. Fossil fuels harm the environment by contributing to land degradation, water pollution, air pollution, and global warming. Single-use foodware accessories litter our streets, negatively impact aquatic life, and create unnecessary costs for taxpayers and businesses. In requiring disposable foodware accessories to be given by request only,

this draft ordinance represents an important step in changing behaviors to reverse the normalization of widespread single-use waste.

This draft ordinance expands upon existing regulations requiring disposable plastic straws be given only upon request by including a broader category of single-use foodware accessories. The draft ordinance requires that certain food and beverage facilities, as well as online food ordering platforms, make available disposable foodware accessories only upon the request of a customer. The draft ordinance designates LASAN as the enforcement agency with the authority to send notice of violations and impose administrative fines to non-complying food and beverage facilities and third-party food delivery services. Additionally, LASAN has the authority to establish rules and regulations to aid in the administration and enforcement of this ordinance.

California Environmental Quality Act (CEQA)

At the time of transmitting this draft ordinance, environmental review is still pending with LASAN. Prior to or concurrent with adoption of the draft ordinance, the City Council must comply with CEQA by considering the CEQA clearance prepared and submitted by LASAN. As such, you must make a CEQA determination and adopt findings, as applicable.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Public Works, Bureau of Sanitation and the City Administrative Officer with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena M. Hopenstand at (213) 978-8130. She or another member of this Office will be available present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittal

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