

NOTICE OF EXEMPTION, ENERGY, CLIMATE CHANGE, ENVIRONMENTAL JUSTICE, AND RIVER COMMITTEE REPORT relative to amending Article 3 of Chapter XIX of the Los Angeles Municipal Code (LAMC) to regulate the use of disposable foodware accessories.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. FIND that:
  - a. This project is exempt from California Environmental Quality Act (CEQA) under Sections 15061(b)(3), 15307 and 15308 of the CEQA Guidelines, and that no exceptions to the exemptions under CEQA Guidelines Section 15300.2 exist, as more fully described in the Notice of Exemption and accompanying Environmental Analysis report submitted by the Bureau of Sanitation (BOS), attached to the Council file, for this action.
  - b. The Disposable Foodware Accessories Ordinance, as detailed in the April 8, 2021 BOS report and attached to the Council file will not cause any significant environmental impact.
2. PRESENT and ADOPT the accompanying ORDINANCE dated April 8, 2021 amending Article 3 of Chapter XIX of the LAMC to regulate the use of disposable foodware accessories.
3. REQUEST the City Attorney to develop standard on-request language for incorporation into City leases and event agreements/guidelines/policies.
4. DIRECT the BOS to:
  - a. Prepare an outreach program to inform and educate consumers and businesses about the proposed Disposable Foodware Accessories on Request Ordinance with said outreach to include:
    - i. Conferring with the Department on Disability.
    - ii. New BOS website content.
    - iii. Direct contact with all major “fast food chains,” restaurant industry associations, and third-party food ordering/delivery services, to advise each of the forthcoming Foodware Accessories on Request Ordinance.

- b. Develop a written information document about the Foodware Accessories on Request Ordinance that shall be mailed to each food and beverage facility operating in Los Angeles- the document shall be designed to also serve as a “customer advisory” notice that food and beverage facilities can post at/in their facilities; and issuance of a press release that shall be developed in collaboration with the Public Affairs Office.
- c. Develop a “Frequently Asked Questions” (FAQ) document about the Disposable Foodware Accessories on Request Ordinance and provide this to the BOS’s Customer Care Center and City of Los Angeles 311 operators.
- d. Host a Zoom or other meeting for all City Departments that have on-site food and beverage facilities and/or that permit/host/organize/coordinate events on City property at which vendors provide food and beverages, so that these City Departments can revise their leases and event agreements/guidelines/policies as necessary to conform with the Disposable Foodware Accessories Upon Request Ordinance with said Departments to include but are not limited to:
  - i. Bureau of Street Services
  - ii. Department of Convention and Tourism Development
  - iii. El Pueblo de Los Angeles
  - iv. General Services Department
  - v. Library Department
  - vi. Los Angeles Police Department
  - vii. Los Angeles Zoo
  - viii. Department of Recreation and Parks
  - ix. Harbor Department
  - x. Los Angeles Department of Water and Power
  - xi. Los Angeles World Airports.
- e. Begin complaint-driven enforcement of this ordinance effective January 1, 2022 to include:
  - i. Written notices will be issued for first and second violations.

- ii. An administrative fine of \$25 for a third violation and each subsequent violation with said Administrative fine of \$25 shall be imposed for each day the Food or Beverage Facility or Third-party Food Delivery Service is in violation, but shall not exceed \$300 per calendar year.
  - f. Report in 6 months regarding the compliance with the Ordinance, the efficacy of fines and determine if fines should be increased, and if annual cap on fines should be removed.
5. INSTRUCT the BOS, with the assistance of the Chief Legislative Analyst (CLA) to report by September 1, 2021 in regard to a status update on all motions to include, but not limited to, Council File Nos. 18-1190, 17-0656, 07-3155-S1, and 18-0652, that seek to reduce the use of single-use plastics to include:
- a. An assessment of reuseable products.
  - b. Local extended producer responsibility policies.
  - c. A CEQA responsibilities update and funding necessary to support the goal of phasing out single-use plastics and disposable foodware accessories.
  - d. Plastic enforcement in supermarkets.

Fiscal Impact Statement: Neither the City Administrative Officer nor the CLA has completed a financial analysis of this report.

Community Impact Statement: Yes For: Eagle Rock Neighborhood Council East Hollywood Neighborhood Council Historic Highland Park Neighborhood Council Los Feliz Neighborhood Council Northridge South Neighborhood Council Palms Neighborhood Council

Summary:

On April 15, 2021, your Committee considered April 9, 2021 BOS and April 8 City Attorney reports, Ordinance, Notice of Exemption, and supporting environmental documents relative to amending the LAMC to regulate the use of disposable foodware accessories. According to the BOS, the usage of single-use disposable plates, cups and cutlery soared during the COVID-19 pandemic due in part to guidelines provided by the Centers for Disease Control and Prevention (CDC) and State public health officials. The CDC and Public health experts believed that the SARS CoV-2, the virus that causes COVID-19, spread from one individual to another through contaminated surfaces. The CDC and California officials recommended that restaurants and bars use disposable single-use utensils and cups for dine-in and take-out to minimize the risk of transmission of COVID-19. Unfortunately, this recommendation drove an increase in plastic pollution. Today with more data, scientists agree that COVID-19 is primarily transmitted from close person-to-person contact through large respiratory droplets expelled when

people breathe, talk or cough. Furthermore, there is no evidence to prove that single use disposable utensils are superior to reusable utensils in preventing the transmission of COVID-19. To the contrary it has been shown that the virus remained infectious the longest amount of time on plastics versus other surfaces.

Single-use foodware accessories have a negative effect on the environment, whether they are disposed of as trash or littered. A majority of these items are disposed in a landfill; there, some can potentially leach chemicals that can contaminate soil and ground water. According to Columbia University, the United States generated 33.6 million tons of plastic “waste” in 2014, with only nine and half percent (9.5%) of it being recycled. When littered, accessories enter the environment where they become visual blight on our streets and waterways, and can harm ecosystems and the wildlife that inhabit them. Through littering, plastic is transported from land by wind or runoff to waterways or storm drain systems, and eventually to the ocean. An estimated 165 million tons of plastic litter is in the ocean, with 8.8 million more tons entering the ocean annually; an estimated 80 - 90% of all ocean plastic originated on land. If current plastic usage trends continue, the United Nations estimates that by weight, there will be more plastic litter than fish in the world’s oceans by 2050.

Coastal Cleanup Month data shows that in September 2020 in Los Angeles County, volunteers collected over 40,000 pieces of trash totaling 4,320 pounds. The data showed an increase in food delivery and take-out items, with foodware accessories the fourth most commonly found item and takeout containers the fifth. In the environment, plastics (even “bio-plastics” or “compostable plastics”) do not break down, but instead break into smaller pieces called “micro-plastics,” which are often mistaken for food by marine life. This marine life often become poisoned or starved from ingesting these micro-plastics, or become entangled in plastic debris. These plastics also pose a threat to marine life by leaching chemicals into the water. Recyclability of Disposable Foodware Accessories  
Some single-use foodware accessories such as plastic utensils, straws, lids, stirrers, cocktail sticks, and splash sticks, are often made from polypropylene (#5- PP) or polystyrene (#6- PS) plastics. They are theoretically recyclable, but in practice are not. Due to their small size, these items fall through or off processing equipment at automated Materials Recovery Facilities (MRFS), which Los Angeles uses.

Accessories may also be made from “bio plastics” or “compostable plastics.” These plastics are not accepted by the MRFs used by Los Angeles. Additionally, though theoretically compostable, the commercial composting facilities queried by the BOS consider bio plastics to be contaminants, because they do not break down as quickly as other materials, and must be separated or screened. Due to the economics, bio plastic items delivered to these facilities are discarded as trash. Fillable sauce cups are too small for MRF equipment. Most cup sleeves and cup/beverage trays are made of paper. These are theoretically recyclable, but due to their small size (i.e., sleeves) will likely not be captured at MRFs. Beverage trays that are made pulped paper are less valuable/desirable than paper products that are made of longer fibers (including beverage trays). Packets for wet/perishable condiments such as ketchup, mustard, coffee creamer, or soy sauce may consist of multiple layers of materials (such as plastic and [aluminum])

foil), which are difficult to separate– as they may be fused together. Their small size means they typically would not be captured at a MRF. Even those made of one type of material are not desirable or valuable and would cost more to process than could be earned from their sale as a commodity. Paper packets are often used for salt, pepper, and sugar; this paper is recyclable but the small packet size generally precludes this from happening. Cheese and peppers are often provided in foil or plastic packets. Paper napkins are made of a specific fiber type and are typically soiled with food and therefore are not processed at MRFs. The napkins could be composted; however, the composting infrastructure is currently not available and needs to be developed. Wet wipes are typically packaged in foil wrappers. The wipes, whether used or new, cannot be recycled through the curbside program; the wrappers are too small to guarantee they will be recycled. Many of these items are likely never used (“zero-used”) and are immediately disposed as trash.

After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Ordinance, Notice of Exemption, the recommendations contained in the BOS report, as amended. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

Energy, Climate Change, Environmental Justice, and River Committee

<b>COUNCILMEMBER</b>	<b>VOTE</b>
O’FARRELL:	YES
RIDLEY-THOMAS:	YES
KORETZ:	YES
DE LEON:	YES
KREKORIAN:	YES

ARL  
4/15/21

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**