



**Proposed Ordinance to Regulate Polystyrene
Foodware and Plastic Waste
(Prohibiting Single-Use Plastic and Polystyrene
Foodware)**

Public Works Commission

October 12, 2023



Background

- Expand the Disposable Foodware Accessories Ordinance
- April 2023 PWC – Draft No. 1 Ordinance using the Surfrider model ordinance.
- October 2023 PWC – Draft No. 2 Ordinance using the LA County model ordinance.



Ordinance Goals

- Prohibition of distribution and sale of Single-Use Articles that are not compostable or recyclable
- Prohibit the sale of expanded polystyrene
- Provide flexibility to allow the use of non-compostable or non-recyclable single-use articles.
- Add requirements for through 3rd Party & Online Ordering Platforms
- Require multi-service utensils for full-service restaurants





Key Ordinance Terms

- Food facility & Categories
- Compostable (home compostable, fiber, BPI & CMA certified)
- Recyclable
- Single-Use Articles



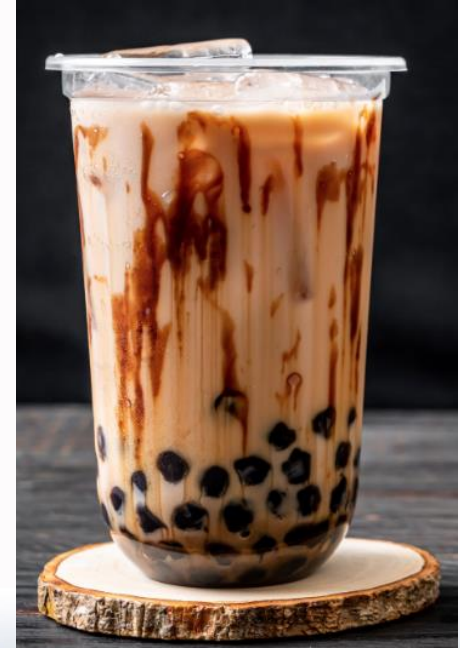


5-12-3: Prohibition of distribution and sale of Single-Use Articles that are not compostable or recyclable

- Prohibit non-compostable and non-recyclable single-use articles including food tray or egg carton.
- Exemptions
 - Pre-packaged food with single-use articles that is packed outside the City.
- Flexibility: Allowing the Director of PW to allow the use of non-compostable or non-recyclable single-use articles if there's no feasible product



Examples of Needed Flexibility





5-12-6 Prohibiting Retail Establishments from Selling Expanded Polystyrene Products

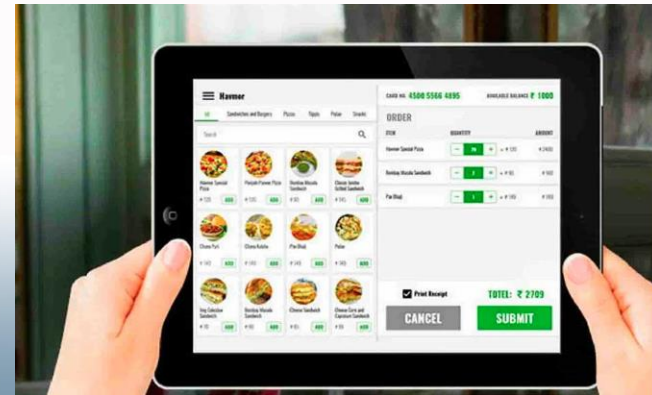
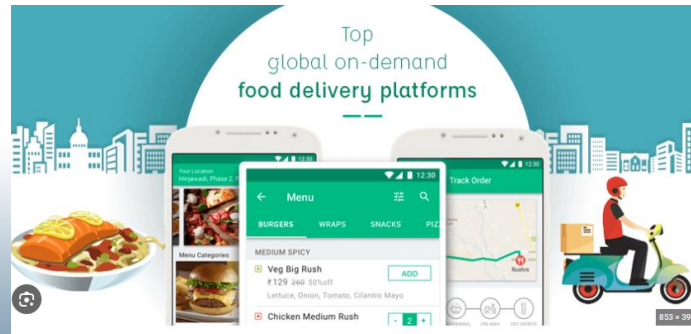
- Prohibit the sale of polystyrene products





5-12-4 Availability of Single-Use Accessories through 3rd Party, online food ordering platforms

- Purpose: Enhances the Disposable Foodware Accessories Ordinance (BHMC 5-11-2)
- Allow food facilities to specify which single-use foodware accessories to be offered in online platform
- Allow food facilities to not offer single-use foodware accessories
- Prohibit automatic distribution of single-use foodware accessories with online orders.





5-12-5 Full-Service Restaurants Required to Use Multi-Service Utensils

- Prohibit the use of single-use articles to customers for dining.





Exemptions, Waivers, Extensions and Enforcement

- Undue hardships
- 1-year extensions or waivers
- Administrative Citation Process





Effective Dates

- Category 1 facilities – 1 year upon ordinance adoption
- Category 2 facilities – 1.5 years upon ordinance adoption
- Category 3 facilities – 2 years upon ordinance adoption



Outreach Plan

- Direct communication with food facilities
- Workshop meetings
- Community base organization
- City events – Earth Day
- Public meetings





Early Adopter Program Criteria

Estimated \$500 worth of foodware items.

- Brick and mortar business
- Less than 26 employees (full and part-time)
- Less than 20 in-dining tables
- Using polystyrene and single-use plastic foodware
- Demonstrate financial hardship
- Good standing with the City





Next Steps

- Outreach Plan and Early Incentive Program
- Public Works Liaison Meeting
- Adoption date to be determined



Recommendation

- Recommend moving the Ordinance for City Council consideration.



DISCUSSION