



RANCHO PALOS VERDES

Code Enforcement Division

Chapter 8.22, Ord. 661

Single-use Foodware Accessories

On August 16, 2022, Ordinance No. 661, Single-use Foodware Accessories was adopted by City Council and will go into effect beginning September 15, 2022. Ordinance No. 661 adds Chapter 8.22 (Single-use Foodware Accessories) to Title 8 (Health and Safety) to the Rancho Palos Verdes Municipal Code regulating the use of single-use foodware accessories.

Here's an FAQ look into the City's upcoming measure to eliminate single-use foodware accessories at local restaurants

In October 2021, to combat pollution and impacts from single-use foodware accessories, Governor Newsom signed into law Assembly Bill (AB) No. 1276, prohibiting food facilities and third-party food platforms from providing any single-use foodware accessories or standard condiments to a customer unless requested. The law requires each city to authorize an enforcement agency to enforce these requirements.

Food service providers often provide single-use foodware accessories, such as utensils, chopsticks, napkins, straws, stirrers, splash and cocktail sticks, and condiment cups and packets to consumers who may not want or need them, particularly when consumers purchase food or beverage for take-out or delivery to be consumed in their homes.

The City of Rancho Palos Verdes reportedly disposed of over 4,200 tons of waste in landfills in 2020. Los Angeles County creates over 31 million tons of waste each year. Data indicates that 65% of that is reused, recycled, or diverted from landfills.

However, approximately 85% of single-use plastic items in California are not recycled because most recycling facilities in the LA region do not accept single-use plastic food service ware of any kind because of their size and contamination and there are no sustainable markets for recycled single-use plastics at this time.

What does the new ordinance entail?

- The new ordinance will phase out the automatic distribution of single-use foodware accessories and require patrons to request the items they want.
- Food service providers, restaurants, and food-ordering platforms cannot bundle or package in a manner that prohibits a consumer from taking or selecting only the type of single-use foodware accessory or condiments they desire.
- Only pre-packed by a *manufacturer* may bundle single-use foodware items together, such as a juice box with a straw, meals that are supplied with a spoon, fork, or spork, or pre-packaged meals with condiments and/or single-use foodware accessories.
- Food service providers and restaurants may provide single-use foodware accessories from a self-serve dispenser or station, with the exception of single-use plastic straws and single-use plastic stirrers.
- Restaurants with drive-thru windows may ask the consumer if they want any single-use foodware accessories (napkins, straws, utensils, condiments, etc.). Businesses may include single-use cup lids, spill plugs, hot beverage sleeves, and beverage trays, without a consumer's request for safety reasons and to avoid spillage.
- Online food-ordering platforms must include an option during the ordering process to allow the consumer to affirmatively request single-use foodware accessories as part of the customer's delivery or pick-up for takeout orders.

What businesses will be affected by the new ordinance?

- All food service providers, such as restaurants, street food vendors, cafés, coffee shops, gas stations, and any other establishment that services food and offers single-use foodware accessories.
- Online food-ordering platforms, such as Uber Eats, Postmates, Grubhub, DoorDash, and restaurant apps with delivery options.

How will this benefit businesses and the community?

Limiting the distribution of unwanted single-use foodware accessories and standard condiments by requiring food service providers to provide them only upon the request of a consumer, and by requiring online food-ordering platforms to provide options for consumers to select only those items they want, is a straightforward solution to reduce waste consisting of unused single-use foodware accessories and will also result in cost savings to businesses.

Restaurants are encouraged to use bulk dispensers for condiments rather than offering condiment packets for single-use and steer away from plastic condiment cups. For example, ketchup packets may be substituted with a bulk dispenser with paper condiment cups for consumers to use.

City Council finds this ordinance limits the use of single-use food accessories and standard condiments and will encourage both the reuse of materials and reduction of pollutants and solid waste and promote the City's goals to reduce waste and conserve resources. Single-use foodware accessories contribute greatly to the plastic pollution that enters the waste stream, as well as the ocean, causing significant harm to marine life and to other wildlife, which also contributes to greenhouse gas emissions and are major contributors to street litter and blight.

Are there any exemptions?

The following state-licensed facilities are exempt from the ordinance:

- California licensed health facilities
- Residential care facilities
- Correctional Institutions
- Public or private school cafeterias

Except for food service providers that are located within health facilities that provide prepared food or beverages to employees or the general public, such as cafeterias and snack bars.

How will the ordinance be enforced and are there penalties?

Violations of the ordinance may be reported to the Code Enforcement Division. To learn more about filing a formal complaint please visit the Code Enforcement Division website at <https://www.rpvca.gov/1097/Filing-a-Complaint>.

Please note: Reporting person's information is always kept confidential.

Violations of Chapter 8.22, subsection 8.22.060(Enforcement and Penalty), may be punished pursuant to 1.16 (Administrative Penalties), except as required by California Public Resources Code Section 42272(b), the first and second violations of this chapter shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of \$25 for each day in violation, but not to exceed \$300 annually.

What if I have more questions about the new ordinance?

To learn more about the new single-use foodware accessory ordinance please visit the Code Enforcement Division website at:

<https://www.rpvca.gov/1552/Chapter-822-Single-use-Foodware-Accessor>

Select the link titled: ORD 661 8-16-22

Contact Code Enforcement Officer, Gerri Whitten at gwhitten@rpvca.gov or (310) 544-5299 with any additional questions or concerns you may have.