



**DATE:** March 12, 2018

**TO:** Council Sustainability Committee

**FROM:** Director of Utilities & Environmental Services

**SUBJECT:** Plastic Straws and Utensils

### **RECOMMENDATION**

That the Committee reviews and comments on this report, and recommends that Council submits a letter of support for AB 1884.

### **SUMMARY**

At the January 8, 2018, Council Sustainability Committee meeting, the Committee requested Staff to prepare and present a report regarding the possible regulation of the distribution of plastic straws and utensils by businesses in Hayward.

### **BACKGROUND**

In response to growing concern from the general public, businesses, and governments about the impact of plastic pollution in the environment, several jurisdictions are exploring adopting regulations to reduce plastic pollution, including reducing the use of plastic straws and utensils. According to the National Park Service, Americans dispose of an estimated 500 million plastic straws every day. According to the California Coastal Commission's coastal clean-up days survey, plastic straws and stirrers ranked as the fifth most-common type of litter found on beaches in 2017. Single-use plastic bags ranked as the 10<sup>th</sup> most-common type of litter found, expanded polystyrene ranked 13<sup>th</sup>, and plastic utensils ranked 15<sup>th</sup>. To address plastic pollution, in July 2011, Council enacted a ban on the use of polystyrene packaging for take-out food and in 2012 Council voted to participate in the County-wide ban on single-use plastic bags. Phase 2 of the plastic bag ban became fully implemented in November 2017, to include all retail stores, eating establishments and food delivery services.

Plastic straws are of little economic value to recyclers, and straws captured for recycling often end up being landfilled. Because of their small size, straws fall through the recycling equipment commonly used at material recovery facilities and get mixed in with landfill debris. Straws not properly managed often end up as litter, polluting the environment. Like

single-use plastic bags, these items are used for a matter of minutes, but remain in the environment for many years.

General Plan Policies – Hayward’s General Plan, adopted on July 1, 2014, includes the following policies related to litter, solid waste, recycling and organics collection:

**Economic Development, Policy 5.4 – Community Appearance Programs**

The City shall maintain and implement programs that are specifically designed to address Hayward’s community appearance problems (graffiti, litter, abandoned vehicles, illegal dumping, weed abatement, property maintenance, illegal signs, etc.).

**Public Facilities and Services, Policy 7.4 Solid Waste Diversion** – The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the Alameda County Waste Management Authority (ACWMA).

**Public Facilities and Services, Policy 7.14 Commercial Recycling** – The City shall encourage increased participation in commercial and industrial recycling programs, and strive to comply with the recycling provisions approved by the Alameda County Waste Management Authority Board. The City shall work with StopWaste.org to provide technical assistance to businesses to implement mandatory recycling

**Public Facilities and Services, Policy 7.23 Consumption Reduction** –The City shall education the community about the benefits of reducing overall consumption.

## DISCUSSION

Staff has researched efforts by other jurisdictions to ban problematic materials, such as disposable plastic straws and utensils. A number of jurisdictions on the West Coast have been adopting or exploring regulations on the use of plastic straws and utensils. The City of Seattle, Washington enacted a city ordinance that will be effective July 18, 2018, banning plastic straws and utensils, and requiring all food establishments to offer compostable or paper straws and utensils. In Alameda County, the City of Alameda passed an ordinance effective January 1, 2018 that banned straws or utensils that are not recyclable, reusable, or compostable. The Alameda ordinance also requires restaurants to only offer straws upon specific request from a customer. The City of Berkeley’s Zero Waste Commission created a Foodware Subcommittee to look into banning plastic straws and utensils, but it is still in the discussion phase. The Cities of Manhattan Beach, Davis, and San Luis Obispo have also adopted regulations.

Information in the following table was presented in a January 24, 2018, [Stopwaste staff report](#) regarding plastic straws. It provides examples of straw-related regulations and the approaches taken by various jurisdictions.

<b>Municipality</b>	<b>Scope</b>	<b>Status</b>
Alameda	Prohibits food vendors from providing single-use drinking straws to customers, unless specifically requested. Straws or disposable food ware that are supplied must be reusable, recyclable (i.e. aluminum), or compostable (i.e. paper)	Sept. 19, 2017: Revised Ordinance Adopted  January 1, 2018: Effective date of new requirements  July 1, 2018: Commencement of Enforcement
Berkeley	The City is exploring creation of an ordinance prohibiting use of plastic straws in bars, restaurants and coffee shops	May 30, 2017: City Council directs Zero Waste Commission to explore issue  Fall 2017: Zero Waste Commission Foodware Subcommittee discussing draft language
Davis	Requires dine-in restaurants to ask customers if they want beverage straws prior to providing them and to provide the straws only if explicitly requested	Ordinance Adopted: May 2017  Effective date: Sept. 1, 2017  Outreach to businesses: May 2017-Jan. 2018
Santa Cruz County (unincorporated areas)	All take-away food service ware provided to customers must be recyclable or compostable, as certified by the Biodegradable Products Institute	January 1, 2017: Effective date of ordinance
Manhattan Beach	Prohibits food providers from distributing or selling polystyrene food service ware, including polypropylene straws	April 1, 2014: Revised Ordinance
Seattle	Prohibits distribution of plastic straws and utensils, unless compostable or recyclable	July 1, 2018: Revised Seattle Public Utilities ordinance goes into effect

On January 17, 2018, California State Assemblymember Calderon introduced AB 1884, which would require sit-down restaurants in California to forgo the automatic distribution of straws in every drink, and instead only provide a straw when requested by the customer. The Bill could reach the Governor's desk in September 2018. The Committee may wish to recommend that the City submit a letter of support for AB1884.

In addition to government action, several non-governmental organizations have initiated voluntary efforts to curtail the use of plastic straws. Most of these efforts encourage residents to request no straw, or ask restaurants to either offer straws on request, or ask if customers would like a straw. Organizations such as the The Surfrider Foundation coordinates voluntary efforts in San Diego County, West Los Angeles, and Hawaii. Xanterra Parks and Resorts, which runs concessions at several national parks, operates a campaign where its concessions employees ask customers if they'd like a straw rather than providing one by default. Should AB1884 pass, or a local ordinance be enacted requiring food establishments to offer straws only on request, these voluntary efforts would be unnecessary in Hayward.

No jurisdiction or voluntary effort has attempted to enact an outright ban of all plastic straws because some members of society rely on plastics straws to be able to drink. Advocates for the disabled community have mentioned that straws assist some members of the public who do not have full use of their arms or hands, or who have other medical conditions. Overly restrictive regulations could hinder access to straws for those who need them.

## **STRATEGIC INITIATIVES**

This agenda item supports steps toward a more sustainable community, however, it does not relate directly to any of the Strategic Initiatives.

## **SUSTAINABILITY FEATURES**

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable. Reducing the amount of hard-to-manage solid waste also reduces the opportunity for material to enter waterways and the Bay.

## **FISCAL/ECONOMIC IMPACTS**

Requiring restaurants to only offer straws on request would have no discernable fiscal impact to customers or businesses. Enacting an ordinance banning straws and utensils would require businesses to identify and purchase replacement products that would most likely cost more than plastics. Also, enacting some level of enforcement which would cost the City in staff time.

## **NEXT STEPS**

Upon direction of the Committee, City staff will conduct further research, or work with Stopwaste on creating County-wide ordinances to offer straws only on request, or promote voluntary actions by business or non-governmental organizations.

*Prepared by:* Jeff Krump, Solid Waste Program Manager

*Recommended by:* Alex Ameri, Director of Utilities & Environmental Services

*Approved by:*

A handwritten signature in black ink, appearing to read 'K. McAdoo', is positioned above a horizontal line.

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Kelly McAdoo, City Manager