



Staff Recommendation

January 24, 2023

Item 7c

Action Item:

Consideration and Approval of Disbursement of Funds for Technical Support and Implementation of the Los Angeles County Single Use Plastics Ordinance

Kaitlyn Kalua, J.D., Water Quality Program Manager

Recommended Action: Authorization to disburse up to \$417,125 to Los Angeles County to provide technical support and support implementation of the Los Angeles County Single Use Plastics Ordinance.

Location: Statewide

Strategic Plan Goals and Objectives: Goal 3: Enhance Coastal and Marine Biodiversity; Objective 3.4: Improve Coastal and Ocean Water

Equity and Environmental Justice Considerations: Reduction of plastic pollution; community engagement; technical assistance for businesses with demonstrated financial need.

Exhibits:

Exhibit A: Letters of Support

Findings and Resolution:

Staff recommends that the Ocean Protection Council (OPC) adopt the following findings:

“Based on the accompanying staff report and attached exhibit(s), OPC hereby finds that:

1. The proposed project is consistent with the purposes of Division 26.5 of the Public Resources Code, the California Ocean Protection Act;
2. The proposed projects are consistent with the Budget Act of 2022 which included a \$50 million General Fund appropriation for grants or expenditures for resilience projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems; and
3. The proposed project is not a 'legal project' that trigger the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 15378."

Staff further recommends that OPC adopt the following resolution pursuant to Sections 35500 *et seq.* of the Public Resources Code:

"OPC hereby approves the disbursement of up to \$417,125 to Los Angeles County to provide technical support and support implementation of the Los Angeles County Single Use Plastics Ordinance."

Executive Summary:

Staff recommends the OPC approve the disbursement of up to up to \$417,125 to provide technical assistance and support implementation of the Los Angeles County Single Use Plastics Ordinance (Ordinance). This disbursement will support outreach and training for over 2,600 impacted businesses, as well as public outreach and education. Successful implementation of this Ordinance will reduce the amount of polystyrene and other plastic that harms the environment and human health and has the potential to serve as a model to reduce or eliminate single-use food service ware statewide.

OPC has a long-standing leadership role and commitment to protecting ocean health through addressing ocean litter and plastic pollution. This includes the adoption of a Council resolution entitled "[Reducing and Preventing Ocean Debris](#)" in 2007, subsequent publication of an [Implementation Strategy](#) in 2008, and updated 2018 [California Ocean Litter Prevention Strategy: Addressing Marine Debris from Source to Sea](#) (California Ocean Litter Strategy). On February 23, 2022, the Council approved the advance the research priorities of the [Statewide Microplastics Strategy](#) required to be developed by OPC in collaboration with specified state agencies by Public Resources Code section 35635 (added by Senate Bill No. 1263, Reg. Session 2017-2018).

This disbursement of funds will directly advance OPC Strategic Plan, Objective 3.4 Improve Coastal and Ocean Water Quality, Target 3.4.2: Work to achieve zero trash entering state waters by 2030 consistent with the State Water Resources Control Board's final compliance deadline with the trash amendments. This project will directly advance the OPC sub-target of reducing and requiring packaging materials and food serviceware sold in California to be reusable, recyclable, or compostable to prevent litter and reduce disposal.

This project will additionally advance source reduction goals of the California Ocean Litter Strategy, including developing and recommending policy tools to prevent the production and consumption of common ocean litter items at their source, including single-use food and beverage packaging and the prohibition of expanded polystyrene in single-use food serviceware. This project will also advance the priorities and objectives of the Statewide Microplastics Strategy, including but not limited to Objective 1A.1.3 Enact comprehensive statewide plastic source reduction, reuse, and refill goals by 2023, and Objective 1A.1.4 Prohibit the sale and distribution of expanded polystyrene foodware and packaging by 2023.

Using General Funds appropriated to OPC by the Budget Act of 2022 for grants or expenditures for resilience projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems, these projects will result in the foundational microplastic sample collection methods and the development of a statewide plastics monitoring network strategy and framework document to inform coordinated monitoring of plastic pollution in state waters.

Project Summary:

Project Background:

Trash is pervasive within California watersheds and on the seafloor. As an example, plastic is the most prevalent type of litter found across all habitats in the Southern California Bight, with wrappers, bags, plastic pieces, and expanded polystyrene being the most commonly found plastic items.

On October 15, 2019, the Los Angeles County (County) Board of Supervisors voted unanimously to approve a motion to develop an ordinance to reduce the use of single-use plastics in the unincorporated portions of Los Angeles County. The UCLA Luskin Center for Innovation subsequently issued a report entitled "Plastic Waste in Los Angeles County: Impacts, Recyclability and the Potential for Alternatives in the

Food Service Sector" to inform the ordinance to reduce plastic consumption and waste. The report confirms that single-use plastic food service waste has a negative environmental and economic impact on the greater Los Angeles area.

Current recycling policies and practices were also found to not effectively address the adverse impacts associated with single-use plastic food service ware. No recovery facility serving Los Angeles County currently recycles plastic food service ware, primarily due to issues of food residue contamination, product size, and product material.

On April 19, 2022, the Los Angeles County Board of Supervisors adopted the Reduction of Waste from Single-Use Articles and Expanded Polystyrene Products Ordinance (Ordinance) with the goal of reducing plastic waste in the County. The Ordinance aims to address plastic waste by 1) requiring that food facilities only use foodservice ware that is recyclable, compostable, or reusable; 2) banning the retail sale of expanded polystyrene products; and 3) requiring that full-service restaurants use reusable foodservice ware for dine-in customers.

The Ordinance imposes the following phased requirements:

- June 1, 2022: All food facilities may only provide single-use foodware accessories upon request; third-party food ordering online businesses are to continue providing a statement on their platform if food service establishments choose not to provide single-use foodware accessories; full-service restaurants must use multiservice foodware articles for dine-in service and single-use foodware accessories may be used if compostable or recyclable.
- May 1, 2023: All food facilities operating in a permanent location and retail establishments (Category 1 food facilities) are prohibited from distributing single-use foodware articles, including food trays and egg cartons, that are not compostable or recyclable. All retail establishments are prohibited from distributing expanded polystyrene products.
- November 1, 2023: All mobile food facilities, excluding street vendors (Category 2 food facilities) are prohibited from distributing single-use foodware articles that are not compostable or recyclable.
- May 1, 2024: All temporary food facilities, farmers' markets, and catering operations (Category 3 food facilities) are prohibited from distributing single-use foodware articles that are not compostable or recyclable.

The County developed the Ordinance based on multiple phases of engagement with diverse stakeholders through workshops and listening sessions, while surveying small restaurants that would be impacted by the Ordinance. Development of the Ordinance was in part driven by the County's OurCounty Sustainability Plan, which calls for an "equitable strategy to phase out single use plastics." The phased approach of Ordinance implementation allows mobile and temporary food facilities more time to use up in-stock single-use foodware articles that are not compostable or recyclable.

Project Summary:

This project will support the County Single Use Plastics Ordinance Implementation Program (Program) to enhance the County's implementation of the Ordinance by funding outreach and technical assistance for over 2,600 impacted businesses, as well as public outreach and education. Successful implementation of this Ordinance has the potential to serve as a model to reduce or eliminate single-use food service ware statewide, including expanded polystyrene, and significantly reduce plastic in the waste stream and in the marine environment.

The Program includes extensive outreach and engagement to affected businesses to provide information regarding the environmental benefits of the Ordinance, products that meet the definition of compliant materials, available resources to implement the Ordinance, technical assistance regarding compliant products tailored to specific business needs, and alternatives and exemptions available for businesses experiencing hardship. Materials are intended to be available in multiple languages and designed to address the needs of the diverse types of restaurants throughout the County.

The Los Angeles County Department of Public Work (Public Works) will lead the project and will be assisted by Department of Public Health and a consulting team to provide technical assistance and conduct an outreach and education campaign. The Department of Public Health will provide education and outreach materials as needed to impacted businesses as part of the Department's normal inspection process. Components of this campaign are intended to include the following:

- Launch a public outreach and education website dedicated to the Single-Use Plastics Ordinance including the following: – brochures, flyers, and fact sheets for businesses and the public – list of compliant products – links and

information to the Bring Your Own program located at <https://pw.lacounty.gov/epd/drp/BringYourOwn.aspx>.

- Distribute education and outreach resources to food facilities through routine inspections conducted by the Department of Public Health during annual health inspections of permitted facilities under their jurisdiction.
- One-on-one meetings with small businesses and other food facilities to explain the requirements of the Ordinance, assist with education and outreach, and provide other resources.
- Implement a clear and accessible waiver process businesses with demonstrated undue hardship, such as lack of dishwashing facilities or the purchase of noncompliant products prior to receiving notice of the Ordinance. Waivers are limited to period of up to one year. The waiver process will be opened in early 2023 to allow impacted businesses to obtain a waiver prior to the effective date for their business type.
- Pursue grant opportunities for third-party environmental groups to assist with in-person education and outreach.

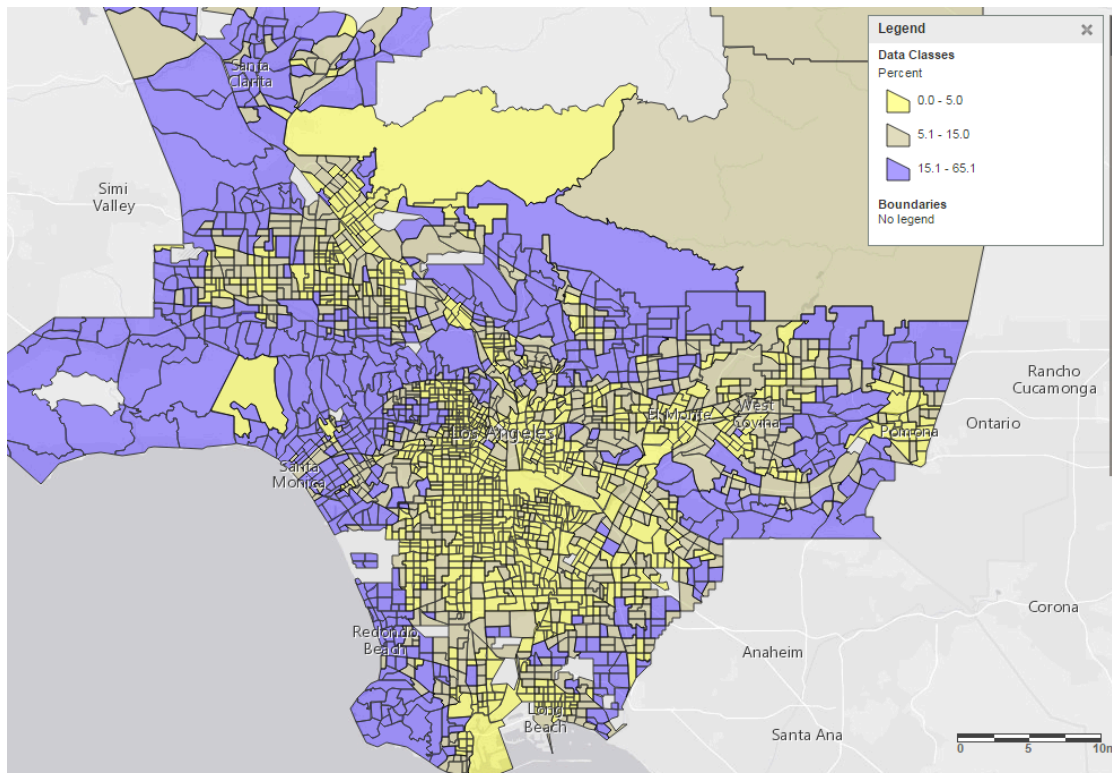


Figure 1. Map depicting the percentage of households with annual incomes above \$150,000 with census tracts with higher percentages indicated as purple. Census tracts with 0-5% of households with an annual income above \$150,000 are indicated as yellow. The focus of this Program is within the yellow census tracts located in the unincorporated County area.

Technical assistance will be provided with onsite visits to approximately 2,661 impacted businesses by December 2024 to educate businesses on compliance options, including product options and suppliers, and the potential to switch to reusables; to distribute public outreach and education materials; to provide product samples to identified food facilities with financial hardship; and to identify barriers or challenges in complying with the Ordinance requirements early in the implementation process.

Equity and Environmental Justice Considerations:

Urban watersheds, including those in Los Angeles County, are disproportionately impacted by trash and plastic pollution. 81 waterbodies are listed as impaired for trash under the Clean Water Act section 303(d) list in the Los Angeles region alone, which comprise 77% of the 105 waterbodies listed as impaired for trash statewide. (State Water Resources Control Board, 2020-2022 Integrated Report). Many waterbodies are co-located or adjacent to communities identified as low-income severely disadvantaged communities (SDAC) and disadvantaged communities (DAC) as defined by Water Code section 79505.5. The Ordinance adopted by the Los Angeles County Board of Supervisors seeks to reduce the burden of plastic pollution on individual communities and the environment, improve waste management, and support plastic source reduction as a cost-effective business practice.

The Ordinance was developed through multiple phases of engagement with diverse stakeholders, including impacted small restaurants and businesses, and was driven by the County's OurCounty Sustainability Plan, which calls for an "equitable strategy to phase out single use plastics." The Board of Supervisors further directed County departments to develop an equitable implementation program that includes support and resources for businesses most in need of assistance, which this project will support consistent with goals 1.4.4 and 1.5.4 of the [OPC Equity Plan](#).

About the Grantee:

Los Angeles County Public Works is one of the largest municipal public works agencies in the United States, providing vital 21st Century infrastructure and essential services to more than 10 million people across a 4,000-square-mile regional service area. The agency is among 48 County departments and agencies working collaboratively across public, private, and nonprofit sectors to improve the

quality of life for the people and communities of Los Angeles County. The County serves the needs of over 10 million residents and 88 municipalities that lie within its boundaries.

Project Timeline:

February 2023 – December 2024

Project Financing:

Staff recommends that the Ocean Protection Council (OPC) authorize the disbursement of up to \$417,125 to Los Angeles County to provide technical support and support implementation of the Los Angeles County Single Use Plastics Ordinance.

California Ocean Protection Council	\$417,125
Los Angeles County Public Works	\$366,190
TOTAL	\$783,315

The proposed source of funds for this disbursement is the Budget Act of 2022, which included a \$50 million General Fund appropriation to OPC for grants or expenditures for resilience projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems. The proposed disbursement is an appropriate use of this General Fund appropriation because the project will reduce the negative impacts of land-based pollution on coastal and marine ecosystems, protect California’s living marine resources, and the communities that rely upon them by reducing plastic litter at its source.

Consistency with California Ocean Protection Act:

The proposed project is consistent with the Ocean Protection Act, Division 26.5 of the Public Resources Code, because it is consistent with trust-fund allowable projects, defined in Public Resources Code Section 35650(b)(2) as projects which:

- Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.
- Improve coastal water quality.

- Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.
- Improve management, conservation, and protection of coastal waters and ocean ecosystems.
- Protect, conserve, and restore coastal waters and ocean ecosystems.

Compliance with the California Environmental Quality Act (CEQA):

The proposed project is not a 'legal project' that triggers the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21068 and Title 14 of the California Code of Regulations, section 15378. If it were determined to be a 'legal project' under CEQA, the proposed project is categorically exempt from review under CEQA pursuant to 14 Cal. Code of Regulations Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.