



Legislation Text

File #: 2021-0458, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Johannes J. Hoevertsz 707-565-2231

Vote Requirement: Informational Only

Supervisory District(s): Countywide

Title:

1:30 P.M. - Informational Presentation of a proposed Ordinance to Prohibit Use and Sale of Disposable Food Service Ware and Other Products Containing Polystyrene Foam, Perfluoroalkyl, and Polyfluoroalkyl Substances; and Zero Waste Resolution

Recommended Action:

- A) Receive an informational presentation on a proposed Ordinance prohibiting the use of disposable food service ware containing Polystyrene Foam, Perfluoroalkyl, and Polyfluoroalkyl Substances, and the ban of other products containing Polystyrene Foam
- B) Receive an information presentation on a proposed Zero Waste Resolution

Executive Summary:

The purpose of this item is to introduce the Board to the goals and proposed structure of the Ordinance (Attachment B) banning use of disposable food service ware containing Polystyrene Foam, Perfluoroalkyl, and Polyfluoroalkyl Substances (PFAS), as envisioned by Zero Waste Sonoma (ZWS), as well as a related Zero Waste Resolution (Attachment C). As this is intended to be an informational item, staff will take direction from the Board, and return on August 24, 2021 for action to approve.

Each city jurisdiction in Sonoma County is requested to adopt the Ordinance and Resolution, Several jurisdictions have already done so, including the cities of Sebastopol, Healdsburg, Cloverdale, Sonoma and the Town of Windsor.

Discussion:

1. Introduction & Timeline

The ZWS Board (formerly Sonoma County Waste Management Agency) prepared a model polystyrene waste reduction ordinance during the 2018-19 Fiscal Year. This model ordinance was approved at the September 19, 2018 ZWS Board meeting, and is included as "Attachment E", as a way to minimize consequences of polystyrene foam escaping into the environment and water ways, and prioritize more environmentally friendly alternatives. In February 2021, ZWS updated the model ordinance to include PFAS. The County has an existing ordinance banning use of polystyrene food packaging products on county-owned or leased property, which will be repealed and replaced with this more comprehensive update.

The Assembly Bill 939 Sonoma County Local Task Force on Integrated Waste Management (LTF), an advisory body to the Sonoma County Board of Supervisors, established a goal of zero waste by 2030. The zero waste goal is aspirational in that it encourages jurisdictions to consider implementing strategies across several areas including: waste reduction, recovery and reuse, education and outreach, green purchasing, extended producer responsibility, service providers and workforce, and fiscal sustainability. The following stakeholder groups assisted in the development of the model Zero Waste Resolution: 350 Sonoma, North Bay Jobs with Justice, Sierra Club Redwood Chapter, Compost Coalition of Sonoma County, Zero Waste Sonoma County, North Bay Labor Council, the Regional Climate Protection Authority, Sonoma County Conservation Action, Recology Sonoma-Marin, Sonoma County Resource Recovery, and other local businesses and engaged citizens.

2. Program Overview & Goals

Polystyrene/PFAS Ban:

The adoption of an ordinance banning Polystyrene and PFAS furthers the County's Climate Resiliency priorities by reducing consumption emissions, saving energy, and decreasing methane emissions from landfills. ZWS staff researched over 100 similar polystyrene foam ordinances in California, in order to create the proposed model ordinance, which includes the following elements:

- Prohibition of food service ware items containing polystyrene foam, PFAS, and non-recyclable and non-compostable materials distributed by food establishments and food providers.
- Prohibition of polystyrene foam products sold by retail vendors.
- Requirement for food establishments and food providers to provide single use straws, lids, utensils, and condiment packets upon request only
- Voluntary "take-out" fees for disposable service ware and credits for reusable items
- Contract and lease language for vendors and contractors doing business with the jurisdiction.
- One year exemptions are available to qualifying businesses.

The costs to each business will vary and depend on what polystyrene or non-compliant disposable service items are used, and which compliant alternatives the business switches to. ZWS is working on a resource businesses will be able to use to help them calculate costs of individual compliant products. The resource document is expected to be available by early summer.

The Polystyrene/PFAS Ban is proposed to be introduced for Board adoption in August 2021, with an effective date of January 1, 2022.

Zero Waste Resolution:

The Zero Waste Resolution aligns with the County's Climate Resiliency priorities by creating a framework throughout Sonoma County for city jurisdictions to pursue actions which support the following: reducing waste; promoting the best and highest use of materials; promote more sustainable consumption; and endorse resource conservation and preservation. The Zero Waste Resolution does not require the County to achieve

specific goals; however, it prescribes a number of actions that may be pursued in order to move closer to Zero Waste by 2030. County staff are currently reviewing the actions contemplated by the Resolution, specifically potential impacts to departments, such as General Services, Purchasing Division (Purchasing), that will be responsible for implementation. Purchasing is currently working on updating the County's Environmentally Preferable Procurement policy in order to meet Zero Waste goals.

3. Stakeholders and Outreach

ZWS staff conducted outreach to residents and businesses within Sonoma County to determine the community's interest in such an ordinance and the potential impacts to local businesses. ZWS staff created and publicized an online survey, contacted each local City's Chambers of Commerce, trade organizations, and local businesses. Approximately 3,000 responses were received with regard to the survey. Respondents overwhelmingly supported the model ordinance. Below are highlights from that poll:

- 91% supported a ban on polystyrene food containers at food establishments
- 89% supported a ban on the sale of polystyrene foam products at retail stores
- 87% supported straws being provided upon request, rather than automatically
- 69% supported food establishments charging a fee for compliant food containers

ZWS staff studied the issue of polystyrene and PFAS waste and litter and concluded there would be an environmental benefit for its members to adopt an ordinance to reduce the amount of polystyrene foam waste and products containing PFAS. If the Board of Supervisors concurs with the need for the proposed Ordinance, there are a few considerations: The Board may alter this ordinance however, if the Ordinance changes significantly, inconsistencies between ordinances may create challenges in the management of the program by ZWS. Additionally, differences from one city jurisdiction to the next within Sonoma County may result in some parties who were in favor or neutral toward the Ordinance to oppose it. Therefore, consistency within Sonoma County is more desirable than a piecemeal approach.

Implementation of the polystyrene and PFAS ban is proposed to be handled through a separate agreement between ZWS and the County, which will come forward with the Ordinance when it is presented.

Adoption of the proposed Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) as it is a regulatory action taken by the Board to protect the environment and the requirements of the Ordinance itself can be seen with certainty to have no negative effect on the environment.

Prior Board Actions:

None

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Fiscal impacts are expected to be minimal as a result of adopting this Ordinance. Reduced sales tax collections from the prohibition of purchasing polystyrene service ware items are expected to be offset by tax revenues resulting from the purchase of alternative service ware. The impact to staff's workload is dependent on

whether the County chooses to implement this ordinance itself and educate the County's residents and businesses about this ordinance, or whether it intends to enter into an agreement with ZWS to perform the education and implementation duties. If adopted in a form similar to the model ordinance, the expected spike in staff time would be placed on ZWS Agency staff, who is anticipating a shift in responsibilities accordingly, and would not necessitate additional costs to the County. ZWS staff is available to educate the businesses and residents and implement the Ordinance but the County would be required to assess the penalty of a fine. ZWS would enforce the Ordinance utilizing a complaint-based system. Based on the experiences in the Counties of Santa Clara and Santa Cruz, there is expected to be an initial spike in staff time needed to respond to complaints in the first few months after the ordinance is effective, and then very little staff time needed thereafter to respond to complaints.

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

1. Attachment A - Presentation of the Ordinance to Prohibit Use and Sale of Disposable Food Service Ware and Other Products Containing Polystyrene Foam and Zero Waste Resolution
2. Attachment B - Draft County Polystyrene Ordinance
3. Attachment C - Zero Waste Resolution
4. Attachment D - Zero Waste Resolution adopted on September 19, 2018 by the ZWS Board
5. Attachment E - ZWS Model Polystyrene Waste Reduction Ordinance, approved on September 19, 2018 by the ZWS Board.

Related Items "On File" with the Clerk of the Board:

None