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Staff Report for Discussion of Potential "Straws Upon Request" Ordinance in San Leandro

SUMMARY AND RECOMMENDATIONS

Per City Council direction at the March 19, 2018 Council meeting, staff provides the following information for the Rules Committee’s consideration regarding a potential “straws upon request” ordinance in San Leandro. Staff recommends that the Rules Committee consider tabling the development of an ordinance pending the outcome of California Assembly Bill 1884, the statewide “straws upon request” legislation that is currently being actively reviewed by the State Legislature.

BACKGROUND

According to the California Coastal Commission, 80% of the litter that ends up on California beaches is generated on land. Much of this land-generated waste is plastic litter. The National Park Service states Americans discard 500 million single-use plastic straws per day. Plastic debris interferes with wildlife habitats and endangers marine life through entanglement and ingestion.

City Solid Waste and Recycling staff surveyed member agencies that make up the Alameda County Technical Advisory Committee (TAC) to determine if any local agencies currently have, or are considering, any ordinance restricting the distribution of plastic straws. On January 1, 2018, the City of Alameda implemented an ordinance banning single-use plastic straws. The City of Oakland has revised their municipal code to state that, as of July 1, 2018, single-use plastic straws may only be distributed at dine-in restaurants upon customer request (revision does not apply to fast-food restaurants).

The City of Hayward and Castro Valley Sanitary District will be studying the feasibility of implementing a plastic straw ordinance. The Berkeley City Council is considering an ordinance that would require all dine-in foodservice ware, including straws, be reusable.

To staff's knowledge, the cities of Albany, Dublin, Livermore, Fremont and Pleasanton are not considering a plastic straw ordinance at this time. The City of Albany is taking a "wait and see" approach to evaluate the success of Alameda's ordinance.

Analysis

Considerations about implementing plastic straw ordinances as a way of addressing this issue are similar across member agencies. Small businesses are already required to purchase compostable or recyclable foodservice ware, increasing their operating costs. Adding another requirement to purchase paper or compostable plastic straws would create greater financial burden, since these are more expensive than single-use plastic. Agency budgets are constrained with unfunded state mandates on mandatory recycling and have limited staff working in recycling programs. Dedicating the human resources needed to develop, implement and enforce a plastic straw ordinance could further strain existing programs.

Member agencies expressed interest in a regional approach to a plastic straw ordinance that could be enforced county-wide, similar to the Alameda County Mandatory Recycling Ordinance (MRO). An ordinance enforced at the county level would standardize requirements across Alameda County and minimize confusion for the public.

City of San Leandro Recycling Program staff concerns are similar to the other agencies. One full-time City employee staffs the Solid Waste and Recycling section with assistance from the Public Works Services Manager and therefore has constrained capacity to implement and enforce a new ordinance in the absence of new funding to support such a program. Staff would welcome a regional approach, as it would leverage limited financial and human resources.

The California State Assembly is currently reviewing draft legislation, Assembly Bill 1884 (AB1884): "straws upon request", which would address this issue on a statewide basis. AB1884 proposes an amendment to the Health and Safety Code to prohibit dine-in restaurants from providing single-use plastic straws unless they are requested by the customer. The bill specifies that the first and second violations would result in an infraction punishable by a fine of \$25 for each day of the violation, not to exceed \$300 per year. AB1884 is endorsed by StopWaste and Californians Against Waste. AB 1884 is also consistent with the City Council's adopted 2018 state legislative platform and so the Mayor has existing authority to issue a letter of support for this legislation on behalf of the City, if so desired.

Should the Rules Committee elect to move forward with a possible ordinance, outreach to businesses would be a critical component of the policy development process. Working through business associations, such as the Chamber of Commerce, and through direct outreach to potentially impacted businesses, staff would seek feedback and suggestions on policy options.

At this time, staff requests direction from the Rules Committee on whether it recommends moving forward with policy analysis or awaiting the outcome of AB1884.

Fiscal Impacts

Due to declining recycling grant revenues and increasing program costs, the Recycling Program is

operating at a \$180,000 annual deficit. Staff projects that the Recycling Program will exhaust fund reserves within the next three years and additional funding will be needed to administer state and county mandated waste diversion efforts. Since a “straws upon request” ordinance is not identified as a new diversion program in the Recycling Program budget, alternative funding would be needed for the full cost of implementing such an ordinance.

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