
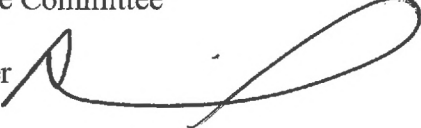


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: September 12, 2018

TO: The Honorable Nury Martinez, Chair
The Honorable Paul Koretz, Vice-Chair
The Honorable Paul Krekorian, Member
The Honorable Gilbert Cedillo, Member
The Honorable Mitch O'Farrell, Member
Energy, Climate Change and Environmental Justice Committee

FROM:  Enrique C. Zaldivar, Director and General Manager
LA Sanitation and Environment 

SUBJECT: RESPONSE TO COUNCIL MOTION 18-0053: STRAWS-ON-REQUEST REPORT

Recommendations for Council action:

In response to the Los Angeles City Council Motion 18-0053 (Motion), LA Sanitation (LASAN) has prepared a report (attached) addressing in detail the Motion and is hereby recommending the Los Angeles City Council to:

1. Adopt a California Environmental Quality Act Negative Declaration that a Plastic Straws-on-Request Ordinance will not cause any significant environmental impact;
2. Request the City Attorney to work with LASAN to draft a plastic Straws-on-Request Ordinance that is applicable to food and beverage facilities with more than 26 employees effective January 1, 2019, and applicable to all other food and beverage facilities effective July 1, 2019.
3. Grant an exemption from this Ordinance to health and medical facilities.
4. Direct LASAN to develop downloadable advisory notices and signage about the City's Straws-on-Request Ordinance and the environmental impacts of disposable plastic straws and to post these notices and signage on the City website, and to prepare and send a mailer to inform businesses, consumers and city employees about the Straws-on-Request Ordinance;
5. Direct LASAN to work with all food and beverage facilities in the City of Los Angeles (City) to display advisory notices about this Ordinance on their premises;
6. Direct LASAN to begin complaint-driven enforcement of this Ordinance effective July 1, 2019. Written notices will be issued for first violations and fines assessed for additional violations as follows: \$100.00 (2nd violation), \$200.00 (3rd violation), a fine not exceeding \$500.00 (all subsequent violations), for each day a violation occurs or is allowed to continue. A food or beverage facility may request an administrative review of

any fine or notice by issuing a written notice of appeal to the Board of Public Works no later than 30 days after receipt of a written notice or fine.

Background

On April 27, 2018, the City Council adopted a Motion instructing LASAN to report in 60 days in regards to:

1. The feasibility of implementing a Straws-on-Request Ordinance, which requires restaurants, and other food-service providers, to withhold plastic beverage straws unless a customer requests them;
2. Options that restaurants and other food-service providers, may use as an alternative to plastic beverage straws such as biodegradable and/or re-usable straws; and
3. Current and potential legislation that seeks to minimize the harmful effects of plastic beverage straws and whether the City should adopt a position.

Discussion

Single-use plastic straws were developed in the 1960s and during the next decade began to replace paper straws - because plastic was not only cheaper but also more resilient in liquid. Single-use plastic straws are ubiquitous in modern society. It is estimated that 500 million disposable plastic straws are used in the United States every day. Although plastics straws are recyclable, they are not likely to be recovered, due to their small size, at a Materials Recovery Facility, and therefore become “residue,” which is disposed of in landfills. When plastic, including plastic straws, is placed in landfills, it has the potential to leak toxic pollutants into soil and groundwater.

Plastic materials, including plastic straws, also pose other environmental risks. When plastic materials are improperly disposed, they can be carried into the ocean and other bodies of water by wind and runoff. It has been estimated that approximately 165 million tons of plastic litter are in the ocean, and eighty to ninety percent of that amount was originally land-based. Plastic materials are made of persistent, hydrophobic organic materials that are not “biodegradable” to significant rates. In the aquatic environment, plastic breaks into small pieces called “micro plastics” that helps increase surface-to-volume ratio. Due to their hydrophobic nature, “micro plastics” accumulate engine oils and other organo- and other water-insoluble toxins. They are often mistaken by marine life as food particles. Marine animals are poisoned, suffocated, or starved by becoming entangled in and/or ingesting plastic debris. Although plastic straws make up a tiny fraction of plastic ocean litter, their size makes them one of the worst polluters because they are consumed by marine life, including birds. The United Nations estimates that if current plastic usage trends continue, by weight, there will be more plastic in the ocean than fish by 2050. In addition to the harm to marine life, toxins adsorbed (adhered) to “micro-plastics” and consumed by fish have a high tendency to bio-accumulate and bio-magnify through the aquatic food chains, and thus could disrupt the ecosystems, and also pose increased risks to human through to seafood consumption.

A summary of California's Coastal Cleanup days conducted between 1988 and 2016 shows that plastic straws and stirrers ranked as the 6th most collected item, behind cigarettes/cigarette butts, food wrappers/containers, caps/lids, plastic bags, and plastic utensils/plates and bowls.

LASAN Outreach to Associations & Businesses

LASAN staff has conducted outreach to several associations and businesses to seek their input and to ensure their concerns have been addressed, these groups included the California Retailers Association, the California Grocers Association, the California Restaurant Association, McDonald's Restaurants, Starbucks, Yum! Brands (Taco Bell, Pizza Hut, KFC, Wing Street) and Dunkin' Brands (Dunkin' Donuts and Baskin-Robbins), etc.

Several representatives of the above business entities have voiced their support for the Motion. They also discussed their business environmental stewardship and sustainability practices. In addition, they spoke of their commitment to reduce their company's environmental footprints. They were appreciative of the City's plan to address this environmental issue and pledged to work with the group on advisory notices that will provide their customers with information about the Straws-on-Request policy, and the phased in approach to the Ordinance. Some of the businesses expressed concerns on the higher costs of the alternative to plastic straws and customer adaptation.

Current and Potential Legislation to Reduce the Harmful Effects of Plastic Straws

The State of California, and many California municipalities, including the Cities of Berkeley, Davis, Malibu, Manhattan Beach, San Francisco, San Luis Obispo, Santa Barbara, and Santa Monica, as well as many others in the United States, Europe, and Asia, have proposed or adopted legislations mandating that plastic straws be provided only upon customer request, prohibiting food-service providers (also known as food facilities) from using plastic straws, and/or requiring food to instead utilize straws made from alternative materials.

Alternatives to Plastic Straws

Environmentally preferable Alternatives (Alternatives) to plastic straws include straws made from paper, bamboo, stainless steel, glass, sugar, and seaweed.

These Alternatives can be a viable alternative to single-use plastic, as they are suitable for all types of food and beverage facilities. A paper straw manufacturer claimed that its paper straws could last for up to two hours in cold drinks. However, several food and beverage chains have expressed some concerns about the availability of paper straws and the increased costs, which could range from three to five cents higher per straw. Currently there is only one paper straw manufacturer in the United States, while others are located in Canada and China; however, there is a general agreement that the shortfall of paper straws will be remedied in the next couple years as production will increase to meet the higher volume demand.

Due to their higher cost and non-disposable nature, reusable Alternatives are best suited for dine-in restaurants or for use by customers who purchase their own.

LASAN does not recommend Alternatives that are made of “compostable plastic” or “bioplastic,” as there are no local facilities that can recycle or compost these materials, and they thus must be disposed as trash in a landfill. In addition, these “compostable plastic” or “bioplastic” straws are considered as contaminants and may affect the recyclability of the recyclables (blue bin content) and yard and tree trimming (green bin content).

Exemption for Medical and Health Facilities

LASAN is recommending that the Ordinance contain an exemption for medical and health facilities.

Conclusion

The City responded to the issue of plastic litter by successfully banning single-use plastic bags through a phased-in program that became effective in 2014. Two years later, California became the first State to undertake a similar ban, and to date, remains the only State that has done so. The negative predictions about the bag ban “epidemics of food-borne illnesses,” “consumer’s revolt” did not materialize. The bag ban offers an effective model for a straw ordinance. LASAN is in support of the City adoption of a Straws-on-Request Ordinance that includes a provision for banning disposable plastic straws in the near future. Research shows that numerous cities and even countries have already successfully adopted such bans. Adoption of this Ordinance will allow the City to be more sustainable as it helps reduce landfilled waste, as well as lessening the amount of plastic materials entering the aquatic environment and creating consequent harmful impacts to marine life.

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Attachment