



REPORT TO CITY COUNCIL

DATE: SEPTEMBER 11, 2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: LOUIS CELAYA, DEPUTY CITY MANAGER 

SUBJECT: CONSIDER LETTER OF SUPPORT FOR AB 1884 FOOD FACILITIES:
SINGLE-USE PLASTIC STRAWS

In recent months, the Environmental Responsibility Committee (ERC), Councilmember Buckley Weber and Councilmember Schwarz, have discussed with City staff the need for the City to consider a voluntary ban on plastic straws. Historically, the City has been proactive on environmental issues, such as rodenticides, and the ERC felt this was another issue the City Council should consider.

Assembly Bill No. 1884, which was introduced by Assembly Members Bloom and Calderon and co-authored by Senator Stern, would prohibit full service restaurants from providing single-use plastic straws to consumers, unless requested by them. The bill has passed through the legislature and is currently on Governor Brown's desk awaiting his signature. The ERC was in the process of preparing, for the full City Council's consideration, a similar resolution that would urge Agoura Hills' businesses to voluntarily consider not providing, selling or using single-use plastic straws, and consider not providing patrons plastic straws unless requested.

As the outcome of AB 1884 is dependent on the action of Governor Brown, the ERC is requesting the City Council consider sending a letter of support for AB 1884. The attached letter requests Governor Brown to sign this important environmental legislation and includes information on the impact of plastic straws on the environment and potential actions to be taken by the City on this issue. It has been documented that plastic straws do not biodegrade, as the plastic is broken down into smaller pieces that become difficult to manage in the environment. Much of the smaller plastic waste ends up in our local creeks, rivers, and oceans and are conveyed through storm drains and other water tributaries.

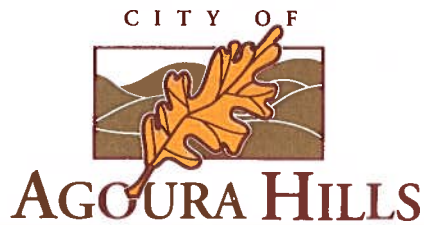
In the event the legislation is not approved by Governor Brown, the ERC plans to return with a resolution for the full City Council's consideration urging Agoura Hills' businesses to voluntarily consider not distributing or selling single-use plastic straws and consider not providing patrons a plastic straw, unless requested.

RECOMMENDATION

Staff respectfully recommends the City Council provide direction to staff by either:

- 1) Approving a Letter of Support for AB 1884; Food Facilities: Single-Use Plastic Straws.
- 2) Take no action at this time.

Attachments: Letter of Support – AB 1884
Assembly Bill No. 1884 (Text)



"Gateway to the Santa Monica Mountains National Recreation Area"

September 11, 2018

The Honorable Jerry Brown
State Capitol, Room 1773
Sacramento, CA 95814

RE: Letter of Support – AB 1884 (Calderon/Bloom) Food Facilities: Single-Use Straws

Dear Governor Brown:

On behalf of the City Council of the City of Agoura Hills, we urge your signature on AB 1884 (Calderon/Bloom) Food Facilities: Single Use Straws.

As you are aware, AB 1884 would prohibit full-service restaurants from providing single-use plastic straws to consumers unless there is a request for one by the consumer. Many cities in state currently have prohibited the use of plastic straws in their communities due to the impact single-use plastic straws have on the environment. These actions stem from concerns regarding the estimated 500 million plastic straws that are used and discarded every day. This number equates to the ability enough straws to wrap straws around the earth 2.5 times per day.

Plastic straws do not biodegrade, and brake down into smaller pieces that become difficult to manage in the environment. Much of this smaller plastic waste ends up in our local creeks, rivers and oceans by being conveyed through storm drains, litter, etc. It is estimated that over 300 million tons of plastic are produced annually, half of which is for single use, with more than 8 million tons of plastic entering the oceans annually.

Prior the initiation of this legislation, the City of Agoura Hills was preparing to pass a resolution encouraging businesses in the community to consider not distributing or selling single-use plastic straws at their places of establishments or consider not providing single-use plastic straws unless upon request by the consumer. AB 1884 follows this similar process, and will result in the reduction of single-use plastic straws. Californians have historically been environmentally conscious and easily adapt to new processes. This was demonstrated during the historic drought conditions where many businesses did not provide water unless requested.

AB 1884 would simply provide Californians the opportunity to make a choice on the use of single-use plastic straws, while affording the full-service establishments the ability to still possess them and not affect their business.

Letter of Support – AB 1884 (Calderon/Bloom)

September 11, 2018

Page 2

On behalf of the City of Agoura Hills, we thank you for your consideration and urge your signature on AB 1884.

Sincerely,

William D. Koehler

Mayor

cc: Senator Henry Stern – 27th District
Assembly Member Richard Bloom – 50th District
City Council



AB-1884 Food facilities: single-use plastic straws. (2017-2018)



Date Published: 08/25/2018 04:00 AM

ENROLLED AUGUST 24, 2018
PASSED IN SENATE AUGUST 20, 2018
PASSED IN ASSEMBLY AUGUST 23, 2018
AMENDED IN SENATE AUGUST 06, 2018
AMENDED IN SENATE JUNE 27, 2018
AMENDED IN ASSEMBLY APRIL 30, 2018
AMENDED IN ASSEMBLY APRIL 16, 2018
AMENDED IN ASSEMBLY FEBRUARY 05, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1884

**Introduced by Assembly Members Calderon and Bloom
(Coauthor: Senator Stern)**

January 17, 2018

An act to add Chapter 5.2 (commencing with Section 42270) to Part 3 of Division 30 of the Public Resources Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1884, Calderon. Food facilities: single-use plastic straws.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined. Existing law defines "enforcement officer," for purposes of enforcing these provisions, to mean certain appointees of the State Public Health Officer, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

Existing law prohibits certain stores from providing a single-use carryout bag to a customer at the point of sale.

This bill would prohibit a full-service restaurant, as specified, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer. The bill would specify that the first and 2nd violations of these provisions would result in a notice of violation and any subsequent violation would be an infraction punishable by a fine of \$25 for each day the full-service restaurant is in violation, but not to exceed an annual total of \$300.

The provisions would be enforced by the same officers authorized to enforce the California Retail Food Code. By creating a new crime and imposing additional enforcement duties on local health agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 5.2 (commencing with Section 42270) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.2. Single-Use Plastic Straws

42270. For purposes of this chapter, the following definitions shall apply:

(a) "Consumer" has the same meaning as in Section 113757 of the Health and Safety Code.

(b) "Enforcement officer" has the same meaning as in Section 113774 of the Health and Safety Code.

(c) "Single-use plastic straw" means a single-use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. "Single-use plastic straw" does not include a straw made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

(d) "Full-service restaurant" means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and where all of the following actions are taken by an employee of the establishment:

(1) The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.

(2) The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.

(3) The food and beverage orders are delivered directly to the consumer.

(4) Any requested items associated with the consumer's food or beverage order are brought to the consumer.

(5) The check is delivered directly to the consumer at the assigned eating area.

42271. (a) A full-service restaurant shall not provide a single-use plastic straw to a consumer unless requested by the consumer.

(b) This section shall be enforced by an enforcement officer. The first and second violations of subdivision (a) shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars (\$25) for each day the full-service restaurant is in violation, but not to exceed three hundred dollars (\$300) annually.

(c) Nothing in this section shall prevent a city, county, city and county, or other local public agency from adopting and implementing an ordinance or rule that would further restrict a full-service restaurant from providing a single-use plastic straw to a consumer.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard,

this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.