



TO: Mayor and Councilmembers

FROM: Peter Imhof, Planning and Environmental Review Director

CONTACT: Dana Murray, Sustainability Manager
Stephanie Holmes, CivicSpark Fellow
Angeline Foshay, Management Assistant

SUBJECT: First Reading of Ordinance Entitled 'Plastic Waste Reduction Regulations' to Address Single-Use Plastics and Polystyrene

RECOMMENDATION:

- A. Introduce and conduct the first reading by title only, waiving further reading of Ordinance No. 22-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Chapter 8.18, Entitled 'Plastic Waste Reduction Regulations' to Address Single-Use Plastics and Polystyrene in the Goleta Municipal Code"
- B. Direct staff to file a Notice of Exemption for the proposed ordinance.

BACKGROUND:

Reducing plastic pollution in the community and environment through the regulation of polystyrene and single-use plastics is a key work plan item for the City of Goleta's Sustainability Program. The Energy and Green Issues Standing Committee (Green Committee) gave staff direction in December 2021 to draft an ordinance regulating the use of single-use plastics and polystyrene products in Goleta. The process of developing an ordinance in support of reducing single-use waste became two-fold with the introduction of California Assembly Bill (AB) 1276 (2021, Carrillo), which aims to reduce single-use waste statewide. Staff proposed to the Green Committee in March 2022 a two-step process, first, to get into compliance with AB 1276 and, second, to expand upon its initial requirements with a second ordinance to more comprehensively address plastic pollution in the City.

On May 17, 2022, the City Council adopted an ordinance that requires single-use foodware accessories and standard condiments be available upon request only and identified the Code Compliance Division of the Planning and Environmental Review Department as its internal enforcement agency, to bring the City into compliance with AB

1276. Consistent with the Green Committee's recommendation, the second ordinance included as Attachment 1 is intended to expand upon State requirements for compliance with AB 1276 and to introduce a prohibition on the use, distribution and sale of polystyrene and certain single-use plastic products.

With the recent passage of Senate Bill 54 on June 30, 2022 at the California State Legislature, the state has taken a strong position in regulating plastic producers and reinforcing the end-of-life cycle of single-use products. The proposed ordinance is in alignment with California's laws, local government best practices, and state agency guidance, which encourages the elimination of polystyrene and significant reduction of single use plastics entering the waste stream.

On July 7, 2022, the Green Committee evaluated a draft ordinance structured to regulate polystyrene and reduce the prevalence of single-use plastics in the community. The Committee recommended the draft ordinance to Council with minor adjustments and clarifications, with the additional inclusion of an implementation and outreach timeline (Attachment 3). Upon further review by the City's legal team and sustainability staff, a more comprehensive plastic pollution reduction policy has been drafted, including further alignment with best practices adopted by other jurisdictions for City Council's consideration.

DISCUSSION:

Prohibition of Polystyrene Food Containers and Products

The first portion of the proposed ordinance would prohibit the use, distribution, and sale of polystyrene products. Polystyrene is a light material made of petrochemicals used to make cups, bowls, plates, trays, clamshell food containers, packaging materials and ice chests. Polystyrene is a uniquely problematic material as it easily enters the environment as litter due to its lightweight, durable and nonbiodegradable nature. Expanded polystyrene products have a foam structure that easily break into small pieces, making them difficult and expensive to remove from the environment. Additionally, pieces of polystyrene can be harmful to fish and wildlife as they are often mistaken as food and ingested.

While it is challenging to approximate the exact amount of polystyrene in storm drains, waterways, and oceans due to the small size of the material when broken down, the material has a prevalent impact on the environment and government finances. California's local governments and taxpayers spend over \$428 million annually in ongoing efforts to clean up and prevent litter in streets, storm drains, parks and waterways (Californians Against Waste). A study published by the Journal of Integrated Coastal Management in 2011 found that expanded polystyrene (EPS) comprises 71 percent of all the plastic flowing through the Los Angeles and San Gabriel Rivers.¹ An Orange County study

¹ Sourced from Moore, C. J., Lattin, G. L., & Zellers, A. F. (2011). Quantity and type of plastic debris flowing from two urban rivers to coastal waters and beaches of Southern California. *Revista de Gestão Costeira Integrada-Journal of Integrated Coastal Zone Management*, 11(1), 65-73.

identified polystyrene as the second most common form of beach debris in California.² Additionally, an ocean study conducted by the US Department of Commerce and National Oceanic and Atmospheric Administration (NOAA) of the floating debris 'islands' located in the gyres the world's oceans approximate that plastic products, including those made of polystyrene, make up 80-90 percent of floating marine debris.³

While Goleta currently does not regulate polystyrene, 154 jurisdictions in California have passed ordinances regulating single-use plastic and polystyrene foodware. These actions by local governments have resulted in measurable improvements to the amount of polystyrene litter present in the waste stream. Roughly 17.8 million people are covered by these ordinances, which equates to about 45 percent of the state of California. One year after implementation of the San Francisco ordinance that prohibits the use of polystyrene foodware, San Francisco's litter audit showed a 36% decrease in polystyrene litter.⁴ According to research conducted by the Community Environmental Council (CEC) and Santa Barbara Channelkeeper (SBCK) for the City of Goleta in 2017, between 3-9% of litter is polystyrene and 38% of Goleta businesses use polystyrene containers (CEC & SBCK, 2017). There remains an opportunity to reduce the presence of polystyrene in Goleta's local waste streams and waterways. Polystyrene also has health impacts on humans. According to the CDC, styrene can leach from heated polystyrene containers or cups into the food. Styrene is likely a carcinogen, and workers consistently exposed to it have damage to their nervous systems. Banning the use of this material will not only protect the health of our environment, but also people in our community.

Santa Barbara, San Luis Obispo, and Carpinteria each have existing local legislation banning the use polystyrene disposable food containers and the retail sale of polystyrene products, but allowing prepackaged polystyrene food containers, such as meat trays or egg cartons. Staff recommends that polystyrene meat trays be included in the City's polystyrene ordinance. For expanded polystyrene meat trays, there are multiple options of currently available, high performance, recyclable (e.g., RPET) or compostable (e.g., bagasse) supermarket trays that maintain safety and quality for raw meat products in a more environmentally favorable manner than expanded polystyrene meat trays.

Major cities such as Seattle (pop. 741,251 - implemented 2010) and San Francisco (pop. 874,784 – implemented 2017), as well as smaller cities such as Malibu (pop. 12,280 - implemented 2018) and Manhattan Beach (pop. 35,054 – implemented 2019), have successfully enacted comprehensive bans on polystyrene that include expanded polystyrene meat trays.

Core elements of this portion of the proposed ordinance include:

² Sourced from S. Moore, D. Gregorio, S. Weisberg, "Composition and Distribution of beach debris in Orange County, California," Marine Pollution Bulletin, 42, 241-245, 2001.

³ U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Public and Constituent Affairs, (1999) "Turning to the Sea: America's Ocean Future;" United Nations Environment Programme (1995) "Global Programme of Action for the Protection of the Marine Environment from Land-based Activities." Note by the secretariat. UNEP (OCA) /LBA/IG.2/7.

⁴ Sourced from City of San Francisco Streets Litter Re-Audit 2008. Available at: http://sfenvironment.org/downloads/library/2008_litter_audit.pdf.

- 1) Prohibiting the use, distribution, and sale of polystyrene foodware and accessories, coolers, packing materials, egg cartons, produce trays, and meat and fish trays;
- 2) The City, its departments, and its contractors, agents, and employees acting in their official capacity, shall not purchase or acquire polystyrene foodware, or distribute it for public use.
- 3) Polystyrene products are prohibited from City-sponsored events, any future City-managed concession should the City create one, and City meetings.
- 4) A compliance date of June 1, 2023.

Preventing Marine Debris from Balloons

The environmental impacts of indiscriminate balloon releases pose threats to both marine and land-based species, resulting in many jurisdictions regulating balloon releases to reduce litter. The main concern is with balloons inflated with helium or another gas lighter than air. Whether they're made from latex (also called rubber balloons), or the foil-and-polyester material commonly known as Mylar, they can travel longer distances and commonly end up in the ocean and waterways.

Marine animals and birds confuse balloons, both foil and latex, for food. To sea turtles, latex balloons may look like a jellyfish; to a whale, a latex balloon may resemble squid. Dolphins, turtles, sharks, sea birds, whales, and seals are some of the marine animals that have been found dead with balloons in their digestive systems. Marine animals eat the balloon and are unable to digest it, which block their guts, ultimately causing the animal to starve to death. Sea turtles are the most common victims of balloon pollution due to the resemblance balloons have to jellyfish, a common prey of sea turtles. In addition, the stringed ribbon that is often attached to both foil and latex balloons also poses a threat to wildlife, mostly birds. Balloon ribbons can become entangled in birds' beaks and can get stuck around the necks of both land and marine animals.

Mass balloon releases are illegal in several states, cities, and countries, and several others have introduced bills aimed at limiting how many balloons can be sent floating into the skies at once. Since 1990, California has had a law that prohibits foil/Mylar balloon releases and requires them to be sold with weights. Other states with regulations include Connecticut, Florida, Tennessee and Virginia; as well as local jurisdictions like Ocean City, MD; Palm Beach County, FL; Louisville, KY; Fort Lauderdale, FL; Huntsville, AL; San Francisco, CA; Nantucket, MA; Broward County, FL; Provincetown, MA; Fairfax, CA; and Baltimore, MD.

Latex balloons (also called rubber) are marketed as biodegradable since they are made from natural latex from a rubber tree. However, the marketing is misleading since latex balloons do not biodegrade quickly, taking about six months to a year biodegrade, and longer in salt water. This gives balloons plenty of time to end up in our environment and pollute our ecosystem.

The release of balloons made from BoPET (biaxially-oriented polyethylene terephthalate), commonly known as Mylar, is already illegal in the state of California (since 1990) due its dangers to power lines. Mylar, which is metallized plastic, does not biodegrade. In addition, Mylar balloons can conduct electricity and often get caught in power lines, causing power outages. According to SoCal Edison, there were 1,103 outages in 2021 caused by Mylar balloons. These outages impacted 1.6 million SCE customers, causing public safety hazards. Prohibiting the sale and release of these balloons is not only an environmental protection, but a public safety protection.

Besides local jurisdictions, states, countries, and environmental groups taking action, the U.S. Fish and Wildlife Service (USFWS) advises the public to avoid releasing balloons. Instead, USFWS suggests people celebrate with more environmentally friendly balloon alternatives like kites, pinwheels, and bubbles.

Core elements of this portion of the proposed ordinance include:

1. A prohibition on the sale and distribution of metalized of Mylar balloons in the City.
2. A prohibition of the use or distribution of Mylar balloons on public property.
3. A prohibition on the use or distribution of latex balloons filled with air or lighter than air gas at any City function or City sponsored event.
4. A prohibition on the release of latex balloons filled with air or lighter than air gas within City limits.

Single-Use Plastics Regulation

When evaluating model ordinances, many jurisdictions within California explicitly regulate the type of allowable materials that businesses can use when sourcing their disposable foodware accessories. In acknowledgement of the lack of recycling and industrial composting processing options in the County of Santa Barbara for single-use items made of plastics and/or bioplastics, the proposed ordinance would prohibit food service vendors from providing single-use plastic disposable foodware accessories to consumers.

The vast majority of all plastic produced, seventy-nine percent (79%), is accumulating in landfills or becomes litter. Nearly every piece of plastic ever made still exists on Earth, regardless of whether it has been recycled, broken down into microscopic bits, or discarded into the ocean. A report published by the World Wildlife Fund found that, from 2000 to 2016, the plastic industry produced as much plastic as all the preceding years combined and has increased plastic production 200-fold since 1950. Additionally, the production of plastic in 2016 resulted in approximately 2 billion metric tons of carbon dioxide emissions, or six percent (6%) of the year's total global carbon dioxide emissions. These emissions contribute to climate change and pose several serious health risks to

frontline communities.⁵ If current plastic production trends continue, experts anticipate plastic production to increase by 40% by 2030.⁶

Within the County of Santa Barbara specifically, there are no available programs for the recycling or processing of plastic or bioplastic disposable foodware accessories, thus all non-biodegradable disposable foodware accessories are diverted to the landfill. Bio-based plastics may be certified “compostable,” but they require a specific composting process in certain industrial composting facilities. Currently, no composting facilities in Southern California and the Central Coast accept rigid “compostable” bioplastics and the anaerobic digester at the ReSource Center cannot break down bioplastics in the necessary operational timeframe to render the product fully processed. Additionally, because these types of products resemble other petroleum-based plastics, they often are mistaken for petroleum-based plastics and diverted to the landfill. At the County ReSource Center, currently plastics #1 and #2, dry and clean cardboard, and dry and clean paper, glass, and metals are being sorted out and collected for recycling. All organic materials, including wet paper, paper towels, food scraps, plant material that can't go into the green waste, and wet cardboard, are getting pulled out to be composted.

The proposed recommendation supports non-plastic products in recognition of the challenges that our region faces in processing both traditional plastics and rigid compostable bioplastics. While a previous version of the ordinance favored specifying the use of only marine-degradable single-use foodware accessories, further research indicated that this term does not have a solidified, industry accepted definition and that best practices adopted by the Cities of Berkeley, Manhattan Beach and Culver City use the term “non-plastic products” and “compostable.” Specifying that vendors utilize reusable foodware accessories or non-plastic disposable foodware accessories excludes products predominantly made with either petroleum-based or biologically based plastics, or that contain PLA coating, liner, or laminate. Some examples of alternatives to single-use plastic accessories include, but are not limited to, paper, fiber, bagasse (fibrous matter that remains after sugarcane or sorghum stalks are processed), wood, bamboo, pulp, wheat straw, seaweed, wood and food (pasta and licorice straws). These materials are considered “home-compostable” under the California Code, a term that replaced “marine degradable.”

The proposed ordinance’s provisions are reflective of other jurisdictions across California, including Santa Monica, Santa Barbara and Culver City, which have expanded upon state law and have banned the use of some single-use plastics completely.

Setting a compliance date for June 1, 2023 for all food and beverage providers in Goleta, extensions for compliance will be considered for businesses that demonstrate barriers to compliance in good faith for up to six months after adoption and shall be non-renewable. Extensions may be considered for those who can demonstrate that there are no

⁵ Sourced from [“Increased cancers among residents living in the neighborhood of a petrochemical complex: A 12-year retrospective cohort study.” International Journal of Hygiene and Environmental Health, 2018](#)

⁶ Sourced from [Solving Plastic Pollution Through Accountability. Dalberg Advisors. World Wildlife Fund, 2019.](#)

reasonable alternatives, for circumstances that are unique to the applicant, or that compliance would deprive a person of a legally protected right.

Core elements of this portion of the proposed ordinance include:

- 1) Prohibiting the use of single-use plastic disposable foodware accessories by food service vendors;
- 2) Exemptions for undue hardship for up to six months after the implementation date of the ordinance based on the following criteria:
 - A. There are no reasonable alternatives for reasons that are unique to the applicant; or
 - B. Compliance with the requirements of this chapter would deprive a person of a legally protected right. The extension or exemption may be extended for additional terms of up to one year each, upon a showing of the continuation of the legal right.
- 3) Exemptions to the ordinance exist for food service vendors to retain and dispense plastic straws as an accommodation to people with disabilities who request them.

Disposable Foodware Accessories Upon Request

With the passage of AB 1276, Section 42271(h) of the California Public Resources Code was amended to read as follows:

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 food facility or a third-party food delivery platform from providing single-use foodware accessories or standard condiments to a consumer.

In the Single-Use Foodware Accessories and Standard Condiments ordinance adopted on May 17th by City Council, staff structured the ordinance to comply only with the bare minimum requirements of AB 1276 and allow for additional time to research options and conduct outreach for a more comprehensive ordinance.

Under its current definition in the Goleta Municipal Code, the term “Single-Use Foodware Accessories” includes utensils, which are defined as forks, knives, spoons, and sporks; chopsticks; condiment cups and packets; straws; stirrers; splash sticks; and cocktail sticks. As discussed below, the expanded AB 1276 ordinance would require Single-Use Foodware Accessories, as defined, to be made of non-plastic and non-polystyrene materials.

The inclusion of this more expansive regulation stems from research conducted on single-use plastic best practices adopted by other jurisdictions across California. The proposed definition would be consistent with ordinances adopted by local jurisdictions such as Manhattan Beach, Culver City, Santa Monica, Malibu, West Hollywood, Redondo Beach, Los Angeles County, and Marin County, which have taken a broader approach to defining and regulating single-use items. Staff added additional definitions to further clarify and expand the regulation of disposable foodware accessories, disposable food containers, single-use plastics and polystyrene products. Expanding Section 8.18 to include additional definitions and regulations on the allowable materials of disposable items upon request, will reduce the amount of plastic single-use items provided to customers without explicit request and would be expected to improve the longevity of businesses' disposables stock. As stated in the original ordinance, broader definitions would not apply to refillable self-service dispensers and would not prevent a customer from requesting any non-plastic or non-polystyrene disposable foodware accessory for use.

Single-Use Plastic Beverage Bottles

Single-use plastic bottle bans have been proposed and enacted in several municipalities and college and high school campuses around the world to address resource waste, greenhouse gas (GHG) emissions, plastic litter, and damage to affected aquifers.

In 2009, Bundanoon, Australia enacted the first municipal ban on plastic water bottles. In 2013, Concord, MA enacted the first U.S. city ban on the sale of plastic water bottles. In Concord, polyethylene terephthalate (PET) bottles, which have the number 1 and/or PETE with the recycling symbol on the bottle, cannot be sold if they are less than or equal to 1 liter (34 ounces) and contain water which is non-sparkling and non-flavored. The sale of water in bottles made of other types of plastic is allowed. Bottles of flavored water, regardless of size, may be sold. The sale of cases of small (<1 liter) bottles of water is prohibited. Bottled water less than or equal to 1 liter in volume may not be sold in vending machines, at civic events including but not limited to sports events, road races, festivals, theater performances and catered events. Water may be offered for free to patrons in any form.

Over 80 high schools, colleges and universities around the world have implemented plastic water bottle bans on their campuses.

More municipalities have city policies banning bottled water from their facilities and events, such as Salt Lake City, Montreal, Santa Monica, Culver City, Toronto, Manhattan Beach, Palo Alto, and San Francisco. Examples of City Policies include:

- 1) San Francisco restricts the sale or distribution on city property of drinking water in plastic bottles of 21 ounces or less and sets city policy to increase the availability of drinking water in public areas and ban the use of city funds to purchase bottled water.
- 2) Culver City and Manhattan Beach have prohibited the use or distribution of plastic water bottles in City facilities, at City functions, or City-sponsored events.

3) Montreal and Toronto have bans on the sale and distribution of single-use water bottles in municipal buildings, civic centers, and city facilities.

4) Salt Lake City has a city policy prohibiting the use of city funds to purchase bottled water, including 5-gallon water cooler bottles. In addition to plastic waste reduction, staff cited that it did not make sense to truck in water instead of using tap water.

5). Palo Alto adopted a single-use plastics policy for city operations in 2009, updated in 2016, that includes a prohibition on the purchase, distribution, or sale of single-use water bottles in city operations.

6). Santa Monica's policy addresses city facilities with access to potable water and requires them to switch from the 5-gallon drinking bottled water dispensers to the plumbed drinking water systems and has been transitioning away from bottled water since 2009, using reasoning such as clean tap water standards, waste reduction, reducing the use of imported oil for plastics, cost savings, and setting an example for the community.

To offset the reduction of plastic bottles at city facilities, these communities have instead invested in installing more reusable water filling stations and drinking water fountains. Cities like Denver and Hermosa Beach have invested in purchasing water trailers or "Water Monsters" that hook up to tap water and dispense municipal water through taps- especially at community events.

Core elements of this portion of the proposed ordinance include prohibiting the use, sale, and distribution of any single-use plastic bottle while acting on behalf of the City.

Disposable Cup Charge

The draft ordinance includes a fee for disposable cups and containers. Similar to the charge for paper bags in California, the additional fee is intended to encourage customers to bring their own cups and containers when going out to food and beverage providers. This will not only reduce waste, but it will also save businesses money as fewer consumers will want disposable cups, allowing business owners to cut back on the amount they order.

The proposed ordinance includes a charge of \$0.25 per disposable cup. Any fees collected through this process would remain with the food vendor to provide additional revenue and offset the cost of disposable non-polystyrene or non-plastic alternatives. As such, it would not be considered a tax by the City.

Reusable Foodware for Dining on Premises

Moving away from disposables is the only way to reduce waste. Reusable foodware for onsite food consumption saves businesses money while significantly reducing their waste

generation. The City recognizes that some food items need to be wrapped or contained in ways that may not lend themselves to reusable foodware (e.g., burritos). In these cases, non-reusable paper food wrappers, sleeves and bags; foil wrappers; paper napkins, and paper tray and plate liners are allowed for on-site food consumption.

Although reusable options are preferred, food vendors may still use disposable non-plastic utensils, straws, stirrers, cocktail sticks and toothpicks upon request for on-site food consumption.

For the proposed reusable foodware provisions, potentially affected businesses may apply for extensions if they can show that they do not have access to an onsite or offsite commercial dishwasher and are unable to contract for services to wash, rinse and sanitize reusable foodware in compliance with the California State Health Code. Extensions may be obtained by providing documentation to the City demonstrating the lack of access and may be considered for a specified term of up to two years. Notwithstanding the two-year maximum term for extensions, should the food or beverage provider demonstrate diligent efforts to comply but, due to insurmountable space and/or other unique and extraordinary circumstances, may never be reasonably able to comply, the City may grant an extension for a longer specified term.

Senate Bill 54 Impacts and Considerations

On June 30, 2022, Gov Newsom signed landmark plastics regulation Senate Bill (SB) 54 into law, requiring all single-use packaging and foodware be recyclable, reusable, refillable or compostable by 2032.⁷ The bulk of the law focuses placing the burden of compliance and single-use reduction on plastic producers and establishing a comprehensive circular economy framework intended to shift the burden of costs to collect, process, and recycle materials from consumers and local jurisdictions to the producers of plastic products. In California, only a small portion of all plastic waste is recycled and about 85% ends up in landfills. Under the bill, all plastic packaging must be recycled at the following levels:

- At least 30 percent on and after January 1, 2028.
- At least 40 percent on and after January 1, 2030.
- At least 65 percent on and after January 1, 2032.

SB 54 also tackles the production, distribution and sale of expanded polystyrene, setting a target for recycling of EPS to reach 25% by 2025 or else it will be banned. As EPS is currently recycled at a rate of less than 5% and is notoriously challenging to recycle due to its lightweight nature, this provision will likely ban the material from production, sale and use in California by 2025. The bill additionally bans chemical recycling, which is an important stipulation to prevent further pollution in historically underserved and marginalized communities that have borne the brunt of the impacts of plastic production and pollution.

⁷ Sourced from California Legislative Information – Senate Bill 54 Solid Waste: reporting, packaging and plastic food service ware.

Anticipated outcomes of this bill include a reduction of excess plastic packaging and single-use items, an increase in the availability of recycling for items not historically processed, and a potential influx of innovation of non-plastic alternatives for packaging and single-use foodware. The City's proposed ordinance is aligned with state guidance while going beyond current state regulations, to target disposable plastic products from being sold, distributed, and used within City limits. The proposed ordinance would help align the City with the state's clearly stated goals of plastic reduction and would help prepare our community for impending changes that we are likely to see as the state begins to implement SB 54.

Outreach, Implementation & Cost Considerations

The Sustainability Team connected with multiple internal departments and external agencies to inform them of the scope of this ordinance and to prepare for community outreach. Staff met with internal stakeholders, including Code Compliance, Public Information Office, and Environmental Services, as well as outside agencies, including City of Santa Barbara Environmental Services, Marborg Industries, and staff at the County of Santa Barbara. These meetings identified one-on-one conversations as the best way to communicate with community members and predict potential barriers to reaching non-English speakers. In response to this approach, staff collaborated with the City's Spanish Engagement Specialist to organize and implement outreach meetings. This outreach greatly informed the scope of the proposed ordinance.

Community outreach was used to identify barriers to compliance with new plastic regulations and to gather feedback from the local community. To date, staff has met and spoken with several local businesses and organizations, including Old Town Coffee, Elubia's Kitchen, La Guerrerita, Greater Santa Barbara Hispanic Chamber of Commerce, Ice in Paradise, Camino Real Marketplace and Cristino's Bakery. Additionally, staff has met with and sought feedback from environmental stakeholders, such as Santa Barbara County Green Business Program, Upstream Solutions, Santa Barbara ChannelKeeper, and Community Environmental Council. Staff had the opportunity to contribute to the monthly newsletter of Women's Economic Ventures (WEV), which has a reach of thousands of business owners in Goleta and along the South Coast. On June 1, staff attended the grand opening of Mariscos Santa Barbara on Hollister Avenue at the invitation of the co-president of the Greater Santa Barbara Hispanic Chamber of Commerce. At the event, staff spoke about the new ordinance complying with CA AB-1276, highlighted resources and information, and directed attendees to the Sustainability website with questions or feedback.

There were common elements in the conversations with business owners and staff was able to identify concerns to compliance with potential new regulations. Some businesses expressed concerns that a proposed ban on polystyrene materials would increase operational expenses and would add to the residual hardships they have experienced from the pandemic. Some of the comments received also indicated concerns regarding the lack of availability due to limited existing plastic alternative options and the more recent obstacle of the disrupted supply chain.

While the costs of non-plastic products may be a concern for some, market surveys show the costs of alternative containers compared to polystyrene are generally cost-comparable, from equal unit price for cups, to a \$0.13 cent increase per unit for converting from polystyrene to natural fiber clamshell containers. Four regional container distributors, Be Green Packaging, Eco Green Supply, Jordano's, and Sysco, carry numerous viable container alternatives and supply many of the local restaurants currently using either compostable or plastic food containers. The City of San Jose has developed a cost comparison of EPS (polystyrene) product alternatives as part of a countywide effort to regulate polystyrene. The results of that analysis are shown in the following table. The range in prices depends on the distributor, product material, and quantity purchased. Staff compared the results of the City of San Jose analysis to some local prices and found general concurrence with the findings.

Material	Cups	Plates	Clamshell Container
EPS	\$0.035	\$0.056	\$0.09
Rigid Plastic	\$0.026	\$0.083	\$0.25
Paper	\$0.055	\$0.020	\$0.28
Molded Natural Fiber	n/a	\$0.064	\$0.22
Compostable Plastic	\$0.070	\$0.150	\$0.33

Staff developed a cost analysis of products of different materials that are currently available to further understand if there would be any anticipated fiscal impact to local businesses. The results of the cost analysis are consistent with the findings of San Jose and what staff gathered from research and lessons learned in other jurisdictions: that some products made from home-compostable materials (like paper and natural fibers) can cost more than rigid plastic and polystyrene. A buying guide has been developed using the cost analysis information and will be available and periodically updated on the Sustainability Program website to reflect changes in the product market. A combination of moderately comparable prices and upon-request only foodware is expected to ease the potential financial impact a non-plastic requirement would have on businesses. With the implementation of AB 1276, businesses are expected to save between \$3,000 and \$21,000 per year by switching to a combination of upon request and reusable foodware (Rethink Disposable).

Another potential barrier to adoption is consumer education about the impact of single-use items and how materials are processed locally. The Sustainability Program has updated the website with information on the AB 1276 compliance ordinance and ways to reduce plastic use. The public may reach out to staff with information on the website to provide feedback or ask questions. Outreach will continue with the aim of informing business owners of new plastic pollution reduction regulations, educating the public on the impacts of single-use items, and what is and is not recyclable or compostable within our jurisdiction's waste management services.

Should the proposed ordinance be adopted, staff will implement a continued outreach plan (Attachment 3) to the business community to inform and address concerns about

regulatory changes, provide businesses with free signage in support of reducing single-use waste, and coordinate with the Public Information team to develop content to further inform the public of these changes. The plan consists of outreach and education activities that can be completed at different points throughout implementation. For example, the plan for the first 30 days after the ordinance is adopted involves promoting materials such as the buying guide, signage and FAQ section on the website via social media and City listservs. The first 30 days will also involve contacting and coordinating with different groups and organizations, including the Public Information team, the Environmental Services Department, and the Spanish Engagement Specialist as well as local environmental groups, Community Environmental Council and Santa Barbara Channel Keeper. The plan continues to outline outreach tasks throughout the proposed ordinance's implementation, with the aim of maximizing public knowledge and community involvement. In addition to digital outreach, the plan outlines providing an 'allowable products guide' and mailer to local potentially affected businesses and community touchpoint opportunities like city events to engage with the wider public.

Energy / Green Issues Standing Committee Recommendation & Requests

At the Energy & Green Issues Standing Committee meeting on July 7, 2022, the City of Goleta Sustainability staff provided information on components of the proposed ordinance addressing single-use plastic reduction and regulating polystyrene, and detailed approaches utilized by other jurisdictions. Staff solicited feedback from the Committee on key policy decision points on proposed regulations for the City and worked to address questions the committee had. Staff also received public comment in support of the proposed ordinance from Santa Barbara Channelkeeper, Community Environmental Council and Californians Against Waste.

During that meeting, staff received support and the recommendation that the ordinance be brought before the full City Council with minor adjustments to the language and supplemental information. The Committee requested a more complete outreach strategy to better facilitate implementation after the adoption of the ordinance. In response, an outreach plan for implementation was drafted and is outlined in the previous section and attached in this packet (Attachment 3). The Committee additionally requested clarity on how the proposed ordinance would effectively regulate the use of polystyrene at permitted events and how it would be enforced by the City. After consulting with the City Attorney's Office and further researching best practices adopted by other jurisdictions, it was determined that by regulating the distribution and sale of polystyrene products by any vendor within the City limits, this provision results in the same outcome as directly regulating events. Legal and sustainability staff review presented other adjustments after the recommendation was received from the Committee. These proposed changes to the ordinance clarify and streamline the regulation process and some are outlined below.

Ordinance Adjustments

After the July 7th Energy & Green Issues Standing Committee meeting, staff revisited the draft ordinance with the City Attorney's Office to refine the language of the ordinance

further in preparation for City Council. A summary of recommendations and staff's proposed incorporations are detailed below.

Recommendations Included

- **Extensions for compliance were adjusted to apply to single-use plastics and polystyrene products** for circumstances that meet certain requirements. The City may consider an extension of up to six months if compliance were to create undue hardship, such as showing that no alternative exists and is filled before the implementation date or that compliance would deprive a person of their protected rights. To obtain an extension, the party seeking the extension would need to show that good faith efforts have been put forth to comply and documented by the party. The proposed ordinance states that no extensions could go beyond January 1, 2024.
- **Regulation of balloons** has been added to the ordinance to reduce marine debris and prevent accidental balloon releases which often cause local power outages. Latex and Mylar balloons, as well as their ribbon strings, can entangle and choke birds and marine wildlife. The release of Mylar balloons has been prohibited by the state since 1990, and the proposed ordinance would also prohibit the release of latex balloons. The proposed regulations would also prohibit the sale of Mylar balloons within the City when filled with gas lighter than air.
- A \$0.25 cent **charge for disposable cups** was added to encourage customers to choose reusable cups or bring their own. This charge will be retained by the food or beverage provider to offset the cost of foodware made from compliant materials. A fee is expected to work more effectively than a discount at encouraging people to bring their own cups and containers.
- A requirement for providing **reusable foodware for dining on the premises** has been included to reduce waste, promote reusable foodware, and reduce the presence of single-use plastics. Extensions or exemptions may be considered based on documentation related to the applicant's good faith efforts to comply and circumstances where an onsite or offsite commercial dishwasher is not accessible or available to the applicant.

ENVIRONMENTAL REVIEW

Staff has assessed the environmental impact of the proposed ordinance and has determined that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Reg. § 15061(b)(3)) covering activities with no possibility of having a significant effect on the environment. The Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 of Title 14 of the California Code of Regulations as actions taken by regulatory agencies for protection of natural resources and the environment.

The ordinance involves procedures for protection of the environment by prohibiting all food or beverage facilities in the City from providing disposable foodware containers made of expanded polystyrene and retailers from selling expanded polystyrene products, reducing its presence in waste streams and throughout the natural environment. The California State Legislature has recognized that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs, most recently with the passage of Senate Bill 54. With the ordinance, the City would exercise its regulatory powers for the purpose of protecting natural resources and the environment.

A Notice of Exemption is included as Attachment 2.

GOLETA STRATEGIC PLAN:

The recommended items in this report relate to the following 2021-2023 Strategic Plan strategies, goals, and objectives:

City-Wide Strategy: Support Environmental Vitality

Strategic Goal: Adopt best practices in Sustainability

Objective: Offer services and implement programs to help the community reduce, reuse and recycle materials to promote zero waste practices

FISCAL IMPACTS:

There is no fiscal impact associated with this item.

ALTERNATIVES:

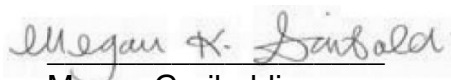
The City Council may elect to adopt the ordinance as proposed, modify the proposed ordinance and introduce the ordinance as modified, or decide not to adopt the ordinance.


Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Ordinance No. 22-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Chapter 8.18, Entitled 'Plastic Waste Reduction Regulations' to Address Single-Use Plastics and Polystyrene in the Goleta Municipal Code"

2. Notice of Exemption
3. Post-Adoption Plastic & EPS Regulation Implementation and Outreach
4. Pre-Adoption Plastic & EPS Regulation Outreach and Timeline
5. Draft Buying Guide
6. Staff Presentation

ATTACHMENT 1

An Ordinance No. 22-__ entitled “An Ordinance of the City Council of the City of Goleta, California, Amending Chapter 8.18, Entitled Plastic Waste Reduction Regulations to Address Single-Use Plastics and Polystyrene in the Goleta Municipal Code”

ORDINANCE NO. 22-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING CHAPTER 8.18, ENTITLED PLASTIC WASTE REDUCTION REGULATIONS TO ADDRESS SINGLE-USE PLASTICS AND POLYSTYRENE IN THE GOLETA MUNICIPAL CODE

WHEREAS the California State Legislature has recognized that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs (California Public Resources Code Section 42355); and

WHEREAS, in accordance with AB 1276 and the City of Goleta's Planning and Environmental Review Annual Work Program, the City intends to regulate single-use plastics and polystyrene products; and

WHEREAS plastic pollution, including single-use plastics and polystyrene, have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health; and

WHEREAS regulations to reduce waste also reduce greenhouse gas emissions, reduce the distribution of disposable single-use plastic, reduce polystyrene use and litter in the City, keep plastic waste from landfills, and reduce plastic litter threats to natural ecosystems and ocean wildlife, in order to protect the health of the City of Goleta community and promote environmentally sustainable practices in the City; and

WHEREAS a prevalence of polystyrene packaging, which is highly durable and persists longer than any other type of refuse, litters parks, public places, neighborhoods, waterways, storm drains, and beaches. This litter ultimately floats or is blown into the ocean; and

WHEREAS the City of Goleta has seen first-hand the impact of polystyrene and plastic litter in our storm drains, neighborhoods, waterways, beaches, and ocean. Banning polystyrene and single-use plastics locally will help to address marine pollution by requiring the use of environmentally preferable alternatives while helping to educate business owners and the public; and

WHEREAS items made from polystyrene and plastics #3-7 are not biodegradable, compostable, or recyclable locally; and

WHEREAS polystyrene can contain potentially harmful constituents, such as phthalates, bisphenol A, styrene, vinyl chloride and flame retardants. Research is being conducted to determine whether water leaches these constituents out of plastic products, presenting a threat to the health of humans and wildlife. Styrene is a known hazardous

substance and a suspected carcinogen and neurotoxin. Medical evidence and the Food and Drug Administration suggest that styrene may penetrate food and drink stored in polystyrene containers, which could potentially threaten the health of humans and wildlife; and

WHEREAS over 154 municipalities in California have adopted ordinances prohibiting or restricting single-use plastics and polystyrene to reduce the prevalence of disposable foodware, and requiring the utilization of reusable, recyclable, or biodegradable alternatives, which have reduced the volume of single-use plastics and polystyrene products in waste streams and throughout the natural environment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8, Chapter 8.18 of the Goleta Municipal Code, Health and Safety is amended to read in its entirety:

Chapter 8.18 Plastic Waste Reduction Regulations

8.18.010	Title
8.18.020	Purpose and Applicability
8.18.030	Definitions
8.18.040	Polystyrene
8.18.050	Balloons
8.18.060	Single-Use Plastics
8.18.070	Disposable Foodware Accessories Upon Request
8.18.080	Single-Use Beverage Bottles
8.18.090	Disposable Foodware Standards
8.18.100	Disposable Cup Charge
8.18.110	Reusable Foodware for Dining on Premises
8.18.120	Extensions and Exemptions
8.18.130	Certification and Compliance
8.18.140	Enforcement and Penalties

8.18.010 Title

This Chapter shall be known as “Plastic Waste Reduction Regulations” and may be so cited.

8.19.020 Purpose and Applicability

The City of Goleta has long-been an environmental leader in addressing sustainability issues. Plastic pollution, including single-use plastics and polystyrene, have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health. These regulations reduce disposable foodware waste; reduce

greenhouse gas emissions; reduce the distribution of single-use plastics; reduce polystyrene use and litter in the City; keep plastic waste from landfills; and reduce plastic litter threats to natural ecosystems and ocean wildlife, in order to protect the health of the Goleta community and promote environmentally sustainable practices in the City.

8.18.030 Definitions

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases are defined as follows:

“AB 1276” means the California State Assembly Bill regulating the distribution of Disposable, Single-use Foodware Accessories by food vendors to be made available only upon request of the consumer. The new law applies to plastic and non-plastic disposable foodware items and Standard Condiments. This law requires the City of Goleta to authorize an enforcement agency on or before June 1, 2022.

"Affected Retail Establishment" means any retail establishment located within or doing business within the geographical limits of the City.

"Aseptic Paper Packaging" means shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.

“Balloon” means a flexible bag, including, but not limited to, those made from rubber latex, foil, metal, polychloroprene, Mylar, or nylon fabric, that is designed to be inflated with air or gas lighter than air such as helium, hydrogen, nitrous oxide, or oxygen, causing it to float.

“Beverage” means a consumable drink in a sealed box, bag, can, bottle, or other container of any size. Beverages include, but are not limited to, alcohol, coffee, energy drinks, milk, soy milk, nut milk, juice, soda, soft drinks, sports drinks, tea, yogurt drinks, water, carbonated water, and flavored water.

"Beverage Provider" means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. Beverage Provider also includes any organization, group or individual that provides beverages to its members or the general public as a part of its activities or services.

“City” means the City of Goleta.

"City Contractor" means any person that enters into an agreement with the City to furnish products or services to or for the City.

“City Facility” means any building, structure, property, park, open space, or vehicle, owned or leased by the City, its agents, agencies, or departments.

"City-Sponsored Event" means any event, activity or meeting organized or sponsored, in whole or in part, by the City or any department of the City.

"Compostable" means Disposable Foodware and Disposable Foodware Accessories that are accepted by the City of Goleta municipal compost collection program and are free of all intentionally added Fluorinated Chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third-party certifying organization or agency recognized by the City.

"Customer" means any person obtaining goods from an affected retail establishment, vendor or non-profit vendor.

"Digital Ordering Platform" means the digital technology provided by an internet website or mobile application used by customers to order food and/or schedule food delivery.

"Disposable Cup" is a beverage cup designed for single-use to serve beverages, such as water, cold drinks, hot drinks and alcoholic beverages.

"Disposable Foodware" or "Disposables" means single-use disposable products used once, or for a short period of time, before being thrown away, typically used for serving, consuming or transporting Prepared Food or Raw Food or Beverages, including, but not limited to, plates, bowls, trays, cups or drink ware, or any container in or on which Prepared Food or Raw Food or Beverages are placed or packaged for consumption, and includes Disposable Foodware Accessories.

"Disposable Foodware Accessories" means single-use disposable products used once, or for a short period of time, before being thrown away, typically for serving, consuming or transporting Prepared Food or Raw Food or Beverages, including, but not limited to, wrappers or wrapping, condiment containers, straws, utensils, stirrers, lid plugs (splash sticks), for the consumption of Prepared Food or Raw Food or Beverages.

"Egg Carton" means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

"Foil Balloon" includes but is not limited to balloons that are made of "metalized" nylon film, and include balloons often referred to as made of Mylar, which is a brand name for a special type of polyester film. Foil or metallic balloons are made of plastic (nylon) sheets coated with polyethylene and metallic materials that are sealed together with heat and can be electrically conductive.

"Fluorinated Chemical" means a class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

“Fluorinated Chemical Free” means an item (1) contains no intentionally added Fluorinated Chemicals beyond a City-determined acceptable threshold, as determined by the City, (2) is listed, described, or referenced as fluorinated chemical free on the City’s website, and (3) is either certified by the Biodegradable Product Institute (BPI) or other third party as recognized by the City, or (4) is a napkin, stirrer, splash stick, cocktail stick, toothpick, or utensil made entirely of Natural Fiber, containing no intentionally added Fluorinated Chemicals.

“Food Provider” or “Food Service Vendor” means any person or establishment that provides or sells Prepared Food or Raw Food or Beverages within the City to the general public to be consumed on the premises or for take-away consumption. Food Provider or Beverage Provider includes but is not limited to:

(1) A grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where Prepared Food or Raw Food or Beverages is available for sale on the premises or for take-away consumption; and

(2) Any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food Provider or Beverage Provider also includes any organization, group, or individual that regularly provides Prepared Food or Raw Food or Beverages to its members or the general public as a part of its activities or services.

“Latex Balloon” is a balloon made with the sap from a rubber tree. During the manufacturing process many chemicals are added to raw rubber including pigments, oils, curing agents and accelerators.

"Meat and Fish Tray" means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Non-Profit Vendor" means a recognized tax-exempt organization which provides goods as a part of its services.

"Person" means any person, business, corporation, or event organizer or promoter; public, non-profit or private entity, agency or institution; or partnership, association, or other organization or group, however organized.

“Plastic Beverage Bottle” means any formed or molded Beverage container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and intended primarily as a single-service container.

"Plastic Beverage Straw" means a 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 its container to the mouth of the drinker. Plastic beverage straw includes compostable, petroleum-based or a biologically-based polymer

straw but does not include straws that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, glass, or metal.

"Plastic Stirrer" means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid and intended for only one-time use. Plastic stirrer includes compostable, petroleum based, or a biologically-based polymer stirrers and lid plugs (splash sticks) but does not include stirrers that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, glass, or metal.

"Plastic Utensil" means any plastic utensil, including, but not limited to, forks, spoons, sporks, knives, cutlery, and disposable flatware intended for only one-time use. Plastic utensils include compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including, but not limited to, paper, sugar cane, wood, glass, or metal.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, rigid polystyrene or expanded polystyrene, processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene Foodware, regardless of whether it exhibits a resin code.

"Polystyrene Cooler" means any cooler or ice chest made of polystyrene foam (expanded polystyrene), where such foam is not fully encased in another more durable material.

"Polystyrene Foodware" means Disposable Foodware that contains or utilizes polystyrene.

"Polystyrene Packing Material" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

"Prepared Food" means any food or beverage that is: (1) ready to consume without any further food preparation, alteration, or repackaging; and (2) prepared, provided, sold, or served by a Food Provider or Beverage Provider using any cooking, packaging, or food preparation technique. Prepared Food or Raw Food or Beverages may be consumed either on or off the Food Provider's or Beverage Provider's premises.

"Produce Tray" means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

"Raw Food" means any meat, fish, poultry, vegetable, fruit, or egg.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using Goleta's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Refillable Self-service Dispenser" means a container or equipment that is used to hold disposable foodware accessories for customers to obtain at their discretion.

"Resin Code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

"Retail Establishment" means any commercial business facility that sells goods directly to the ultimate consumer including, but not limited to, grocery stores, pharmacies, liquor stores, "mini-marts," and retail stores and vendors selling clothing, food and personal items.

"Reusable Foodware" means all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils, that is manufactured of durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.

"Single-use" means disposable products designed to be used once and discarded, or for a short period of time, before being thrown away, and not designed for repeated use and sanitizing.

"Standard Condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

"Vendor" means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the City of Goleta, which provides perishable or nonperishable goods.

8.19.040 Prohibition of use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays.

A. No Food Provider or Beverage Provider shall distribute or sell any Polystyrene Foodware and Foodware Accessories in conjunction with the sale of Prepared Food or Raw Food or Beverages at any location within the City.

1. Examples of potential providers include, but are not limited to restaurants, retailers, vendors, and food trucks.

B. No Person shall sell any Polystyrene Foodware or Polystyrene Cooler at any location within the City.

1. Examples of potential locations include, but are not limited to, retailers and vendors.

C. No business or Vendor in the City shall sell, distribute, or use Polystyrene Packing Material, including, but not limited to, foam peanuts, packing peanuts, foam popcorn, or packing noodles.

1. Examples of potential businesses include, but are not limited to, retailers, shipping companies, and packaging distributors.

D. No person or business may sell, offer for sale, or otherwise distribute for compensation within the City any Meat and Fish Trays, Produce Trays, or Egg Cartons made, in whole or in part, from Polystyrene, either as separate items or as part of the sale of meat, fish, poultry, vegetables, fruit, or eggs sold to consumers.

1. Examples of potential businesses include, but are not limited to, restaurants, retailers, food trucks, vendors, delis, and food stands.

E. Food Providers and Beverage Providers that distribute Prepared Food or Raw Food or Beverages in Disposable Foodware or Disposable Foodware Accessories shall: (1) distribute only disposables that exhibit a resin code other than 'No. 6' or 'PS'; and (2) maintain documentation about the composition of the Disposable Foodware or Disposable Foodware Accessories. Documentation may include information from the supplier, manufacturer, or bulk packaging for the disposables, and any other relevant information demonstrating that the disposable material is not polystyrene.

F. No person shall distribute or sell Prepared Food or Raw Food or Beverages in any Polystyrene Foodware at City facilities that have been rented, leased or are otherwise being used with permission of the City. This subsection is limited to use of City facilities for which a Person has entered into an agreement with the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Polystyrene Foodware while using City facilities. The facility rental agreement shall indicate that a violating contractor's security deposit will be forfeited if the City Manager or his designee determines that Polystyrene Foodware was used in violation of the rental agreement.

G. No person shall use or distribute Polystyrene Foodware at City-sponsored events, City-managed concessions and City meetings open to the public. This subsection shall apply to the function organizers, agents of the organizers, city contractors, food providers, beverage providers, and any other person that enters into an agreement with one or more of the function sponsors to sell or distribute Prepared Food or Raw Food or Beverages or otherwise provide a service related to the function.

H. The City, its departments, and its city contractors, agents, and employees acting in their official capacity, shall not purchase or acquire Polystyrene Foodware, and distribute it for public use.

I. All persons, businesses, Food Providers, Beverage Providers, and Vendors shall comply with this Section 8.18.040 by June 1, 2023.

8.18.050 Regulations on the sale, distribution, and use of balloons; Prohibition of the sale, distribution and use of “foil,” “metalized,” or “Mylar” Balloons; Prohibition of the release of Latex balloons.

A. No Person, including but not limited to a balloon wholesaler, retailer (e.g., party supply, craft store) or third-party vendor shall sell or distribute foil, “metalized” or Mylar balloons within the City either as a separate item or included in a packaged product set.

B. No Person shall use or distribute foil, “metalized” or Mylar balloons on public property within City limits including but not limited to parks and beaches.

C. No Person shall use or distribute latex balloons filled with air or lighter than air gas at any City function or City sponsored event.

D. No Person shall release latex balloons filled with air or lighter than air gas anywhere within the City limits.

E. All persons shall comply with this Section 8.18.050 by June 1, 2023.

8.18.060 Single-Use Plastics

A. Prohibition on certain disposable, single-use plastic products. Food Providers and Beverage Providers shall not use or distribute plastic beverage straws, plastic stirrers or plastic utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic, made from non-plastic materials, such as paper, pasta, sugar cane, or wood.

B. Accommodations. Food Providers and Beverage Providers, as well as City facilities, City-managed concessions, City-sponsored events, and City-permitted events, may retain and dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City of Goleta.

C. Food Providers and Beverage Providers shall comply with this Section 8.18.060 by June 1, 2023.

8.18.070 Disposable Foodware Accessories Upon Request

A. Food Service Vendors shall only distribute Disposable Foodware Accessories and Standard Condiments upon the request of the customer.

B. Food Service Vendors shall include in their Digital Ordering Platforms for ordering food a statement that communicates that Single-use or Disposable Foodware Accessories are offered only upon request and shall include the ability for customers to select which Foodware Accessories or Standard Condiments they want. If a consumer does not select any Single-use Foodware Accessories or Standard Condiments, no Single-use Foodware Accessory or Standard Condiments shall be provided by the Food Service Vendor for delivery of ready-to-eat food.

C. Food Service Vendors shall not package Disposable Foodware Accessories and Standard Condiments in a manner that prevents a customer from taking only the type of Foodware Accessory or Standard Condiment desired without also having to take a different type of Foodware Accessory or Standard Condiment.

D. Food Service Vendors are encouraged, but not required, to take actions in addition to the requirements of this section that support the goal of reducing the use of and waste generated by all disposable food service products.

8.18.080 Single-Use Beverage Bottles

A. No City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any single-use Plastic Beverage Bottle or Aseptic Paper Packaging while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

B. The City shall comply with this Section 8.18.080 by June 1, 2023.

8.18.090 Disposable Foodware Standards

A. No person shall sell or distribute Disposable Foodware and Disposable Foodware Accessories that do not comply with City of Goleta municipal compost collection programs and be free of all intentionally added fluorinated chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third party certifying organization or agency recognized by the City, except that non-compostable foil wrappers

that are accepted in the City of Goleta recyclable collection program may be used for burritos, wraps, and other items that require foil to contain and form the food item.

B. The City shall maintain on its website a guide to Disposable Foodware and Disposable Foodware Accessories that comply with these Disposable Foodware Standards.

C. Food Providers and Beverage Providers may request an extension or exemption pursuant to Section 8.18.120 for specific Disposable Foodware or Disposable Foodware Accessories items.

D. Food Providers and Beverage Providers shall comply with this Section 8.18.090 by June 1, 2023.

8.18.100 Disposable Cup Charge

A. Food Providers and Beverage Providers shall charge customers twenty-five cents (\$0.25) for every Disposable Cup provided.

1. Income from the Disposable Cup charge shall be retained by Food Providers and Beverage Providers.

2. All customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended, or an electronic benefit transfer card (EBT) issued pursuant to Section 10072 of the California Welfare and Institutions Code, shall be exempt from the Disposable Cup charge.

3. Charges for Disposable Cups shall be identified separately on any post-sale receipt provided and, pre-sale, shall be clearly identified for the customer on media such as menus, ordering platforms and/or menu boards. Customers placing orders by telephone shall be informed verbally of Disposable Cup charges.

B. Food Providers and Beverage Providers shall comply with this Section 8.18.100 by June 1, 2023.

8.18.110 Reusable Foodware for Dining on the Premises.

A. Prepared Food or Raw Food or Beverages served for consumption on the premises of Food Providers and Beverage Providers or shall only be served using Reusable Foodware, except that disposable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners shall be allowed for dining on the

premises, so long as they meet the Disposable Foodware Standards in Section 8.18.090.

B. Notwithstanding the requirements of Section 8.18.110 A., Food Providers and Beverage Providers that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse and sanitize Reusable Foodware in compliance with the California State Health Code may request an extension or exemption pursuant to Section 8.18.120 D. To obtain an extension or exemption, the Prepared Food Vendor must demonstrate inability to comply due to insurmountable space constraints, undue hardship and/or other extraordinary, insurmountable circumstances.

C. All Disposable Foodware and Disposable Foodware Accessories used on the premises by Food Providers and Beverage Providers that are operating under full or partial extension or exemption obtained pursuant to Section 8.18.120 shall conform to the Disposable Foodware Standards in Section 8.18.090.

D. Food Providers and Beverage Providers shall comply with this Section 8.18.110 by June 1, 2023.

8.18.120 Extensions and Exemptions

A. The following are exempt from the provisions under Section 8.18.040 and Section 8.18.080 of this chapter:

1. Food prepared or packaged outside of the City, provided such food is not altered, packaged or repackaged within the City limits.

- a. Raw produce, poultry, vegetables, fruit, fish, meat, or eggs are not exempt.

2. Food or beverages brought by individuals for personal consumption to City facilities, including, but not limited to City parks, provided the City facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event.

B. The City Manager or his/her designee may provide extensions of time for compliance or exempt any person from the requirements of Sections 8.19.040, 8.19.050, 8.19.060, or 8.19.090 as follows:

1. A request for an extension or claimed exemption shall be filed in writing with the City Manager or their designee and shall include documentation of the reason for the requested extension or exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.

2. The City Manager, or designee, may grant an extension of up to six months to a Food Service Vendor, with or without conditions, upon finding that compliance

would create an undue hardship. No extensions beyond January 1, 2024 shall be accepted. Undue hardship may include but not be limited to situations where:

- a. There are no reasonable alternatives for reasons that are unique to the applicant; or
- b. Compliance with the requirements of Chapter 8.18 would deprive a person of a legally protected right.

3. The City Manager or designee's written decision on the extension or exemption is effective within ten (10) days of the decision.

C. To obtain an extension or exemption for a Disposable Foodware or Disposable Foodware Accessories item under Sections 8.19.040, 8.19.050, 8.19.060, or 8.19.090, the Food Provider or Beverage Provider must demonstrate that:

1. No Disposable Foodware or Disposable Foodware Accessories item exists with substantially similar size, performance and/or utility that conforms with the Disposable Foodware Standards; and
2. The non-conforming Disposable Foodware or Disposable Foodware Accessories item to be used in lieu of a conforming item is recyclable or compostable in the City of Goleta recyclable or compostable collection program.
3. Food Providers and Beverage Providers must provide documentation of good faith efforts to obtain a substantially similar compliant item.
4. Records of attempts to obtain a compliant item may include emails, letters or other correspondence with vendors that furnish Disposable Foodware or Disposable Foodware Accessories, seeking the compliant item and a timeline for compliance.

D. Extensions and exemptions for Section 8.18.110, Reusable Foodware for Dining on Premises, shall be considered as follows:

1. Extensions or exemptions shall be granted by the City Manager or their designees, based upon documentation provided by the applicant and, at the City Manager's discretion, independent verification, including site visits.
2. The City Manager or designee's written decision on the extension or exemption is effective within ten (10) days of the decision.
3. Extensions for Reusable Foodware may be granted for a specified term of up to two (2) years. During the extension term, the Food Vendor shall make diligent efforts to become compliant with Section 8.18.110. Under extraordinary circumstances, should a Food Vendor demonstrate that, at the close or expiration

of a granted extension term, and with diligent efforts to become compliant, compliance remains infeasible, additional waivers of up to two (2) years each may be granted. It shall be the Food Vendor's responsibility to apply for any subsequent extensions in a timely manner.

4. Notwithstanding the two (2) year maximum term for extensions set forth for Reusable Foodware in Section 8.18.120 D, in certain limited and unique circumstances existing prior to adoption of this ordinance, where the Food Vendor demonstrates diligent efforts to comply but, due to insurmountable space and/or other unique and extraordinary circumstances, may never be reasonably able to comply, the City Manager or their designee may grant an extension for a longer specified term.

8.18.130 Certification of Compliance.

All businesses that are subject to this chapter shall certify compliance with this chapter on the annual business license renewal application.

8.18.140 Enforcement and Penalties.

A. In accordance with Public Resources Code 42272 (b), the first and second violations of Section 8.18.070 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 in violation, but not to exceed an amount of three hundred dollars (\$300) annually.

B. Except as otherwise provided in Section 8.18.140, any violation of the provisions of this chapter by any food provider or vendor is subject to administrative fines as provided in Chapter 1.02 Administrative Citations, which may be appealed pursuant to the procedures in that chapter.

C. The City Manager, or his/her designee, shall have primary responsibility for enforcement of this chapter and shall have authority to issue citations for violation of any provision of this chapter. The City Manager, or his/her designee, may establish regulations or administrative procedures and take any actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, without limitation, performing an inspection of a retail establishment's premises to verify compliance with this chapter.

D. Any violation of any of the requirements of this chapter shall constitute an infraction. Each and every day that a violation occurs shall constitute a separate violation.

E. The remedies and penalties provided in this chapter are cumulative and not exclusive and nothing in this chapter shall preclude the City from pursuing any other remedies. The City Attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure developed pursuant hereto.

SECTION 3. Effect of Amendment. To the extent any provision of this Ordinance repeals, amends, or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4. No Conflict with Federal or State Law. Nothing in this Chapter is intended to create any requirement, power, or duty that is in conflict with any federal or state law.

SECTION 5. CEQA. The City of Goleta has determined that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), pursuant to State CEQA Guidelines §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)) covering activities with no possibility of having a significant effect on the environment. The Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 of Title 14 of the California Code of Regulations as actions taken by regulatory agencies to assure the maintenance, restoration, enhancement of natural resources, or protection of the environment.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 8. Effective Date.

This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

INTRODUCED ON the ____ day of _____, 2022.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2022.

**PAULA PEROTTE
MAYOR**

ATTEST:

APPROVED AS TO FORM:

**DEBORAH S. LOPEZ
CITY CLERK**

**MEGAN GARIBALDI
CITY ATTORNEY**

ATTACHMENT 2

CEQA Notice of Exemption

NOTICE OF EXEMPTION (NOE)

To: ☐ Office of Planning and Research
P.O. Box 3044, 1400 Tenth St. Rm. 212
Sacramento, CA 95812-3044

From: City of Goleta
130 Cremona Drive, Suite B
Goleta, CA 93117

☐ Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101



Subject: Filing of Notice of Exemption

Project Title: Amendments to the Goleta Municipal Code Amending Chapter 8.18, Entitled 'Plastic Waste Reduction Regulations' to Address Single-Use Plastics and Polystyrene

Project Applicant: City of Goleta

Project Location (Address and APN): Goleta City Hall, 130 Cremona Drive, Suite B
Goleta, CA 93117

Description of Nature, Purpose and Beneficiaries of Project: The City of Goleta City Council prioritized development of regulations for single-use plastic and polystyrene reduction during review of the City of Goleta's Planning and Environmental Review Department's Annual Work Program in 2021. In October 2021, Governor Gavin Newsom signed AB 1276, amending existing law regulating plastic straws to prohibit food facilities from providing any single-use foodware accessory or standard condiment to a consumer, unless requested by the consumer, as provided.

The City of Goleta seeks to implement and build upon AB 1276 by expanding its regulation of single-use foodware accessories and prohibiting the use of plastic single-use foodware accessories by June 1, 2023. The ordinance additionally bans the sale and use of disposable food containers and additional products made of polystyrene, the use and sale of Mylar balloons, regulates the distribution of single-use beverage bottles, and encourages the use of reusable foodware for dining on premises. The ordinance amends Chapter 8.18 entitled 'Plastic Waste Reduction Regulations' to address single-use plastics and polystyrene to reduce its prevalence in the waste stream.

Name of Public Agency Approving the Project: City of Goleta

Name of Person or Agency Carrying Out the Project: City of Goleta

Exempt Status: *(check one)*

- ☐ Ministerial (Sec. 15369)
- ☐ Statutory (Sec. 21080.35)
- ☒ Categorical Exemption: (Sec. 15307 & 15308)
- ☐ Emergency Project (Sec. 15359)
- ☒ Other: (Sec 15061(b)(3))

Reason(s) why the project is exempt:

NOTICE OF EXEMPTION (NOE)

The City of Goleta has determined that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.), pursuant to State CEQA Guidelines §15061(b)(3) (14 Cal. Code Reg. § 15061(b)(3)) because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 of Title 14 of the California Code of Regulations as actions taken by regulatory agencies for protection of natural resources and the environment.

CEQA Guidelines Section 15307 (i.e., Class 7) provides an exemption from environmental review for "actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment."

CEQA Guidelines Section 15308 (i.e., Class 8) provides an exemption from environmental review for "actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment."

The ordinance involves procedures for protection of the environment by prohibiting all food or beverage facilities in the City from providing disposable foodware containers and various products made of polystyrene and retailers from selling polystyrene products, reducing its presence in waste streams and throughout the natural environment. The California State Legislature has recognized that littered plastic products have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs, most recently with the passage of Senate Bill 54. With the ordinance, the City would exercise its regulatory powers for the purpose of protecting natural resources and the environment.

City of Goleta Contact Person and Telephone Number:

Angeline Foshay, Sustainability Management Assistant - 805-961-7573

Peter Imhof

Director, Planning & Environmental Review

Date

NOTICE OF EXEMPTION (NOE)

If filed by the applicant:

1. Attach certified document of exemption finding
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐Yes ☐No

Date received for filing at OPR: _____

Note: Authority cited: Section 21083 and 211110, Public Resources Code
Reference: Sections 21108, 21152.1, Public Resources Code

ATTACHMENT 3

Post-Adoption Plastic & EPS Regulation Implementation and Outreach

Post-Adoption Plastic & Polystyrene Regulation Implementation and Outreach

90 days before June 1, 2023

- Outreach to local businesses, identify sustainability “champions” to promote on social media
- Monarch Press article revisiting requirements of ordinance
- Social media outreach
- Update buying guide & FAQ on the website
- Upload extension process and instructions onto the website
- Host virtual workshop/webinar to detail upcoming changes and regulations regarding allowable materials; cover extension application process
- Schedule meetings with:
 - Food vendors
 - Property management companies
 - Chambers of Commerce
- Mail letters and guides to all potentially affected businesses.
- Reconnect with local nonprofit partners, coordinate outreach to local businesses

60 days before June 1, 2023

- Conduct 1:1 meetings with internal and external stakeholders
- Monarch Press article sharing updated buying guide and extension process

30 days before June 1, 2023

- Press Release
- Monarch Press article revisiting requirements of ordinance, updated buying guide and exemption process

In the first 30 days after ordinance implementation:

- Promote Materials
 - Press Release
 - Finalize education/outreach graphics simplifying the points of the ordinance
 - Update buying guide and FAQ on website
 - Promote signage and buying guide on social media outlets and email listservs
- Contact Groups/Organizations
 - Coordinate with the Public Information Office, Environmental Services Department, and Spanish Engagement Specialist
 - Partner with zero waste initiative to leverage efforts
 - Utilize network to spread educational materials

- Coordinate with Community Environmental Council and Santa Barbara Channel Keeper for public education and additional outreach
 - Set a timeline and goals for these partnerships
 - Provide signage and materials for supporting outreach and public education
- Outreach to schedule meetings with:
 - Food vendors
 - Property management companies
 - Local Chambers of Commerce

In the first 90 days after ordinance implementation:

- Mail second letter and guide to all potentially affected businesses
- Monarch Press article with educational graphics and links to updated buying guide
- Distribute signage during meetings with stakeholders and make signs available for up pick-up at the City
- Schedule a virtual Q&A session for businesses
- Conduct 1:1 meetings with food vendors, Chambers, and property management companies as requested

Additional Community Outreach Touchpoint Opportunities:

- State of the City
- Earth Day
- Dam Dinner
- Beautify Goleta Community Cleanups
- Coastal Cleanup Day
- World Ocean Day

ATTACHMENT 4

Pre-Adoption Plastic & EPS Regulation Outreach and Timeline

Pre-Adoption Plastic & EPS Regulation Outreach and Timeline

Meeting Type Key:

Publicly Noticed Meeting

Internal Stakeholder

External Stakeholder

Business

Community Based Organization

Public Events

12/9/21 - Energy & Green Issues Standing Committee Meeting

- Provide Committee with an update on staff research progress regarding EPS and Single-Use ordinance models

12/17/22 - Meeting with Fran Gillibrand, Program Director, Green Business Program of Santa Barbara

- Overview of issues for businesses during certification as they transition away from plastic items

2/1/22 – Meeting with reusables non-profit Upstream

- Discussed feasibility of partnership with Upstream to promote reusable foodware and decrease plastic waste

3/1/22 – Meeting with Goleta Environmental Services staff – Melissa Nelson and Dan Rowell

- Overview of potential regulations and opportunities to collaborate; recommended best practices in outreach

3/2/22 – Meeting with Marborg Representative - Sarah Stark

- Overview of Marborg's waste management services and potential collaboration on Goleta's efforts to regulate plastics

3/3/22 – Meeting with Goleta Code Compliance staff - Sue Sadler and Albert Torres

- Overview of outreach best practices, including how one-on-one conversations are the most effective

3/7/22 – Meeting with Goleta Public Information Office – Kelly Hoover and Jaime Shaw

- Overview of best practices for outreach and potential public information campaign options

3/7/22 - Meeting with Santa Barbara County Staff - Sam Dickinson and Carlyle Johnston

- Established which materials can be processed by the County's ReSource Center, identified gaps in public education and understanding of waste management

3/10/22 – Meeting with Bacara Staff

- Discussed current policies, connected them with the Green Business Program

3/21/22 – Energy & Green Issues Standing Committee Meeting

- Presented AB 1276 Compliance ordinance and introduce two-pronged approach for plastic reduction in the city
- Received committee recommendation to take the item to City Council

3/25/22 – Meeting with Operations Manager at Bacara

- Discussed current materials used for single-use items, waste management practices

3/29/22 – Meeting with Goleta Spanish Engagement Specialist Marcos Martinez

- Confirmed in person is most effective form of outreach and how best to provide as many resources for business owners as possible

4/13/22 - State of the City - General Outreach and Promotion of Compliance Ordinance

- Displayed educational fliers for attendees regarding AB 1276 compliance
- Solicited input and interest from community members on reducing single-use items and potential EPS regulations
- Provided public with online resources on what the ReSource Center is and what single-use items it can best process (Paper products are the best compostable option, etc)

4/19/22 - City Council Meeting, 1st reading of AB 1276 Compliance Ordinance - Discussion item

- Discussed the process and approach to single use regulation, outlaid the outreach process moving forward for the second ordinance
- Support from members of the public included Penny Owens with Santa Barbara Channelkeeper and Kathi King from Community Environmental Council

4/23/22 - Earth Day Celebration

- Tabled alongside Environmental Services and conducted one-on-one discussions with the public regarding single-use plastics reduction

4/27/22 - In-Person Business Outreach Meetings Round 1

- Spoke with business owners of; La Guerrerita, Elubia's Kitchen, Ice Paradise, and Old Town Coffee about current practices and challenges to compliance
- Conducted with Spanish Engagement Specialist Marcos Martinez to address any language barriers

5/3/22 - Call with owner of Cristino's Bakery

- Discussed current practices, how the city can support, and potential challenges to compliance

5/3/22 1st Re-Reading on Consent - Updated compliance ordinance

- Reintroduced the AB 1276 compliance ordinance to strictly align with state requirements; passed on consent calendar

5/3/22 Women's Economic Venture

- Corresponded with WEV Marketing Manager and contributed information regarding the AB 1276 ordinance to the WEV monthly newsletter

5/11/22 - Call with Greater Santa Barbara Hispanic Chamber of Commerce

- Discussed ordinance compliance, opportunities for in person outreach

5/11/22 - Call with City of Santa Barbara Environmental Services

- Discussed City Santa Barbara's outreach and ordinance adoption process for banning EPS and regulating plastics straws

5/24/22 - Develop and Finalize Single Use Plastics Regulation City Webpage

- <https://www.cityofgoleta.org/projects-programs/sustainability/single-use-plastics-reduction>

6/1/22 - Mariscos Santa Barbara Grand Opening

- Invited by Greater Hispanic Chamber of Commerce
- Attended with Spanish Engagement Specialist Marcos Martinez to provide updates about AB 1276 compliance, signage for businesses to inform customers, and details about upcoming regulation; provided avenues for feedback from attendees and resources for reducing plastic waste

6/6/22 - Meeting with Camino Real Marketplace Management

- Provided details of AB 1276 ordinance and compliance requirements and signage to support businesses; Camino Real to send memo to all tenants regarding compliance with ordinance

7/7/22 - Green Committee Meeting – Recommendation for 2nd Ordinance

- Present 2nd ordinance – incorporate feedback, get recommendation for council consideration on the August 16th
- Develop buying guide of non-plastic, lower impact single-use foodware and reusable foodware – details informed by scope of 2nd ordinance

8/16/22 - First Reading of Second Ordinance

- Introduce ordinance regulating EPS & expanding AB 1276 single-use item regulation

- Circulate buying guide and requirements of second ordinance around the business community using Public Information Office and newly established network and connections.

9/6/22 - Second Reading of Second Ordinance

ATTACHMENT 5

Draft Buying Guide



COST ANALYSIS OF NON- PLASTIC FOODWARE

Information current as of:
June 2022

ITEM DESCRIPTION	PRICE PER UNIT (PLASTIC)	PRICE PER UNIT (NON-PLASTIC)
Straws	\$0.03	\$0.06
Hot Cups	\$0.12	\$0.11
Clamshells	\$0.25	\$0.37
Bowls	\$0.06	\$0.14
Plates	\$0.09	\$0.19
Utensils	\$0.09	\$0.12

City of Goleta - Sustainability Program

Questions?

[Click to check out our website.](#)

Email:
sholmes@cityofgoleta.org



BUYING GUIDE FOR SINGLE-USE FOODWARE

Check out the links below for some options for marine-degradable foodware!

<u>Items</u>				
Straws	<u>\$0.03</u>	<u>\$0.10</u>	<u>\$0.04</u>	<u>\$0.06</u>
Hot Cups	<u>\$0.16</u>	<u>\$0.11</u>	<u>\$0.13</u>	<u>\$0.10</u>
Clamshells	<u>\$0.40</u>	<u>\$0.30</u>	<u>\$0.53</u>	<u>\$0.30</u>
Bowls	<u>\$0.09</u>	<u>\$0.13</u>	<u>\$0.15</u>	<u>\$0.14</u>
Plates	<u>\$0.11</u>	<u>\$0.23</u>	<u>\$0.10</u>	<u>\$0.16</u>
Utensils	<u>\$0.07</u>	<u>\$0.09</u>	<u>\$0.10</u>	<u>\$0.23</u>

City of Goleta - Sustainability Program

Questions?

[Click to check out our website.](#)

Email: sholmes@cityofgoleta.org

ATTACHMENT 6

Staff Presentation

SINGLE-USE PLASTIC WASTE REDUCTION ORDINANCE

Presentation to the Goleta City Council

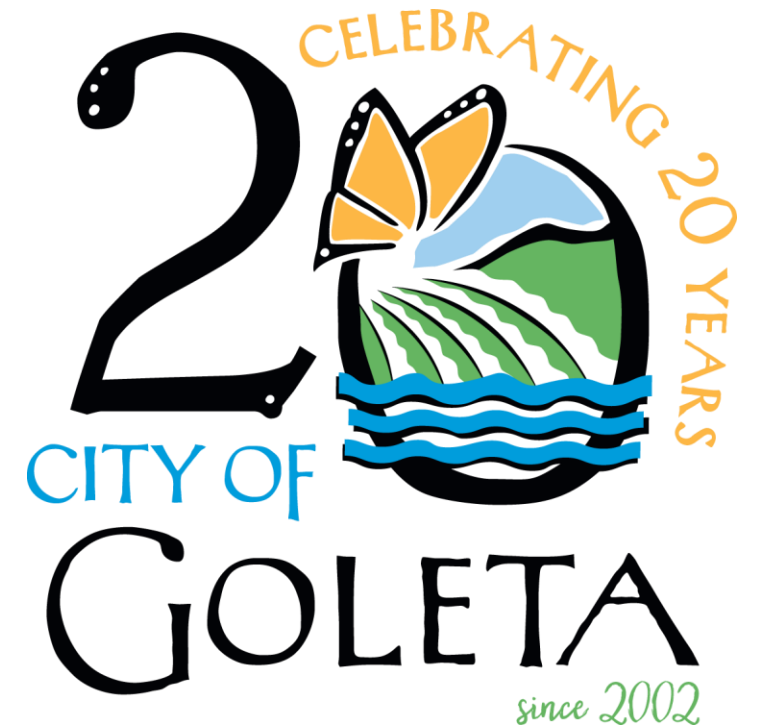
August 16, 2022

Presentation by:

Dana Murray, Sustainability Manager

Stephanie Holmes, CivicSpark Fellow

Angeline Foshay , Sustainability Management Assistant



Presentation Overview

1.
Outreach
Timeline &
History

2.
Scope of Draft
Ordinance

3.
Key Elements

1. Outreach Timeline & History

1. Outreach Timeline & History

- Energy and Green Issues Standing Committee Meetings
 - December 2021:
 - Committee supports pursuit of ordinance reducing single-use plastics
 - March 2022:
 - Staff proposes two-pronged approach to reduce plastic (AB 1276 Compliance, and a second stricter ordinance)
 - Committee supports approach of ordinance reducing single-use plastics
 - July 2022:
 - Staff shares first draft of proposed ordinance to Committee for discussion
 - Committee recommends staff bring ordinance to Council with adjustments
- City Council Meetings
 - April 2022: First reading of AB 1276 Compliance ordinance
 - May 2022: Second reading and adoption of AB 1276 Compliance ordinance

1. Outreach Timeline & History

- Staff met with 19 internal and external stakeholders including business owners and community members from December 2021 to present.
- See Attachment 4 for complete meetings and outreach timeline
- Main Takeaways
 - One-on-one conversations most impactful
 - Signage considered useful resource for consumer education and signaling City support for state policy
 - Some concerns expressed around price and availability of non-plastic alternatives

1. Outreach Timeline & History

- Staff will engage in continued outreach to local businesses if the ordinance is adopted as outlined in Attachment 3.
- Activities proposed in the implementation timeline include:
 - Update website with buying guide and FAQ
 - One on one meetings with businesses as needed
 - Coordinate with the Public Information Office, Environmental Services and local nonprofits to coordinate outreach and education
 - Timed Press Releases and Monarch Press Articles for key implementation milestones
 - Optional Signage pick-up available City Hall
 - Promotion via social media and regular updates to buying guide
 - Virtual Q&A with extension application walkthroughs
 - Mailed letters and guides to all potentially affected businesses

2. Scope of Draft Ordinance

2. Scope Overview

- Comprehensive plastic waste reduction policy
- New Standards for disposable foodware
- Restricts polystyrene products and single-use plastics, regulates Mylar balloons, and prohibits the use and distribution of single-use plastic bottles at City facilities
- Inclusion of a disposable cup fee and a reusable dining program



3. Key Elements

3. Key Element – Prohibiting Polystyrene

- Pollution and public health concerns
- Light material made of petrochemicals and contains styrene, a carcinogen
- \$428 million is spent by the state to clean and prevent litter in streets and waterways
- Polystyrene makes up 80-90% of floating marine debris
- 154 jurisdictions, covering 17.8 million people or about 45% of the population, have already passed polystyrene regulations (including SB and Carp)



3. Key Element – Prohibiting Polystyrene

Recommendation: Prohibit the use, distribution, and sale of polystyrene foodware, coolers, packing materials, egg cartons, produce trays, and meat and fish trays in the City.



- Exemptions for packaging of food prepared or packaged outside the City
 - Exemption does not apply to raw produce, poultry, vegetables, fruit, fish, meat, and eggs.

3. Key Element - Regulating Balloons

- Helium-filled balloons can be carried long distances
- Mylar balloons are not biodegradable and can cause outages when they connect with powerlines
- Latex balloons take 6 months to 4 years to break down.
- Birds, turtles and other animals often mistake balloons for food
 - When ingested, a balloon can block the digestive track of the animal, often resulting in death by starvation
 - Ocean and beach wildlife often get entangled in balloon ribbons
- California has prohibited the release of Mylar balloons since 1990



3. Key Element - Regulating Balloons

- **Recommendation:** Prohibit the release of balloons anywhere in the City; Restrict the use of Mylar/foil balloons in outdoor spaces like beaches and parks; Prohibit the sale and distribution of Mylar/foil balloons in the City; Prohibit the use of helium-filled balloons at City facilities.



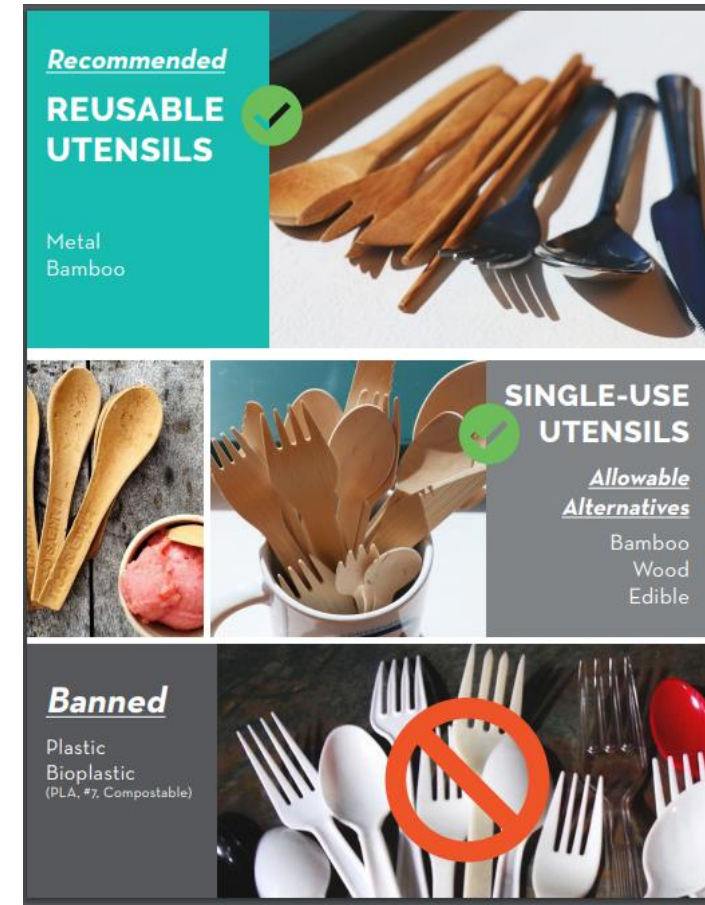
3. Key Element – Regulating Single-use Plastics and Defining Allowable Materials

- 79% of all plastic produced is accumulating in landfills or becomes litter
- Santa Barbara County has no programs to recycle or process disposable foodware accessories, so it all goes to the landfill.
- Neighboring jurisdictions, Santa Barbara and Carpinteria, have regulations in place.
- 2017 UCSB study:
 - 9% of the 8.3 billion metric tons of plastic made since the 1950s has been recycled
 - 80% of plastic ends up in landfills or environment



3. Key Element – Single-Use Plastics

- **Recommendation:** Allowable materials must be non-plastic and home-compostable based on the knowledge that:
 - Bio-plastics cannot break down in the County anaerobic digester (therefore go to landfill or end up in our environment).



What are non-plastic materials?

- "Non-plastic" means any material that is not predominantly made with plastics, either petroleum or biologically based.
- **Non-plastic product material examples:**
 - Paper
 - Fiber
 - Wood
 - Bamboo
 - Pulp
 - Bagasse (sugarcane)
 - Wheatstraw / Straw
 - Food / Edible

EXAMPLES OF Compliant Utensils and Stirrers

The City of Manhattan Beach does not endorse and is not affiliated with any of the products or companies listed below. This is not a comprehensive list of acceptable alternatives. This guide is only meant to show some examples of what may work for your business.



AAYU
Birchwood
AayuWorld.com



NATURAL TABLEWARE
Aspen Wood
NaturalTableware.com



BAMBU
Bamboo
BambuHome.com



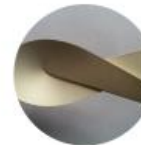
LEAFWARE
Birchwood
Leafware.com



WOOD TASTING SPOONS
Wood
perfectstix.com
outsidetheboxpapers.com
greenpaperproducts.com



BAKEY'S EDIBLE UTENSILS
Flours of jowar (sorghum), rice, and wheat
Bakeys.com



NUSPOON TASTERS
Paper
amazon.com



ECOSPOON
Paper
ecotensil.com



NATURAL TABLEWARE
Forest Stewardship Council (FSC)
Certified Wood
NaturalTableware.com

3. Key Element – Non-Plastic Exemptions & Timeline

What is the timeline for implementation?

- **Recommendation:** June 1, 2023
- Gives adequate time for businesses to procure compliant products, and for the City to continue outreach and education

Do we provide extensions for compliance and if so, for how long?

- **Recommendation:** 6 month maximum time extension. Cannot go beyond January 1, 2024
- An applicant may apply for an extension if they demonstrate the following:
 - No compliant alternative exists for procurement within the implementation timeframe
 - Documented good-faith efforts have been made to comply

3. Key Element – Upon Request

- As of June 17, 2022, City of Goleta is in compliance with AB 1276.
- The proposed ordinance would require Single-Use Foodware Accessories, as defined, to be made of non-plastic and non-polystyrene materials.
- Additional definitions and regulations is expected to:
 - Reduce the amount of plastic single-use items provided to customers without explicit request.
 - Improve the longevity of businesses' disposables stock.

3. Key Element – Single-Use Beverage Bottles



- Single-use plastic bottle bans have been proposed and enacted around the world to address resource waste, greenhouse gas (GHG) emissions, plastic litter, and damage to affected aquifers
- Salt Lake City, Montreal, Santa Monica, Culver City, Toronto, Manhattan Beach, Palo Alto, and San Francisco have banned single-use plastic bottles from City facilities and events.
- **Recommendation**: prohibit the use, sale, and distribution of single-use plastic bottles at City facilities, functions, and events.

3. Key Element – Disposable Cup Charge

- Proposed ordinance includes a charge of \$0.25 per disposable cup.
- Customers enrolled in WIC and EBT programs are exempt.
- Fees would remain with the food vendor to offset the cost of disposable non-polystyrene or non-plastic alternatives.
- **Recommendation**: enact a disposable cup fee to encourage consumers to go reusable.

3. Key Element– Reusable Foodware for Dining on Premises

- Moving away from disposables is the only way to reduce waste.
- Reusable foodware for onsite food consumption saves businesses money while significantly reducing their waste generation.
- Food Vendors may still use disposable non-plastic utensils, straws, stirrers, cocktail sticks and toothpicks upon request for on-site food consumption.
- Exemptions available for businesses without access to commercial dishwasher on or offsite premises.



A Note on Accessibility

- Food Providers and Beverage Providers, as well as City facilities, City-managed concessions, City-sponsored events, and City-permitted events, may retain and dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City of Goleta and in compliance with Americans with Disabilities Act (42 USC § 12102).

SB-54 and its Impacts

- On June 30, 2022, Gov Newsom signed SB 54, requiring all single-use packaging and foodware is recyclable, reusable, refillable or compostable by 2032.
- This law targets producers of single-use plastics and imposes fees on production, placing the burden on them instead of communities.
- Establishes a de-facto ban on EPS production and sale by requiring escalating recycling standards starting in 2025
- Expected impacts include reduced plastic waste, increased recycling rates, and innovations in non-plastic alternatives

Summary of Ordinance Elements

- Extensions for compliance were adjusted to apply to single-use plastics and polystyrene products.
 - simplifies the process for applicants and staff
- Regulation of balloons has been added to reduce marine debris.
 - will help prevent accidental release, impacts to wildlife, and contact with power lines
- Including \$0.25 charge for disposable cups.
 - encourages use of reusable foodware and offset costs for businesses
- Requiring reusable foodware for dining on premises.
 - further reduces presence of disposable foodware and single-use plastics

Recommendation

- Introduce and conduct the first reading by title only, waiving further reading of Ordinance No. 22-__ entitled “An Ordinance of the City Council of the City of Goleta, California, Amending Chapter 8.18, Entitled Plastic Waste Reduction Regulations to Address Single-Use Plastics and Polystyrene in the Goleta Municipal Code”
- Direct staff to file a Notice of Exemption for the proposed ordinance.