



CITY OF SANTA BARBARA

SUSTAINABILITY COMMITTEE AGENDA REPORT

AGENDA DATE: August 1, 2024

TO: Sustainability Council Committee

FROM: Clean Community, Sustainability & Resilience Department

SUBJECT: Single-Use Materials Regulations

RECOMMENDATION:

That the Sustainability Council Committee forward a recommendation to Council to adopt an ordinance expanding existing regulations of single-use materials.

EXECUTIVE SUMMARY:

As a longstanding environmental leader, the City of Santa Barbara remains committed to waste reduction initiatives and the promotion of environmentally sustainable practices. Since the adoption of the City's expanded polystyrene and straws, stirrers, and cutlery ordinances, neighboring jurisdictions have followed suit, expanding upon the City's regulations. Staff recommends updating the City's material ordinances to provide a more comprehensive approach.

The Clean Community Division proposes three options for updating the City's single-use materials ordinances:

1. Updating the City's existing material ordinances to align with waste reduction regulations in neighboring jurisdictions. Updates include polystyrene foodware and product regulations, mylar and latex balloon restrictions, single-use disposable material standards, a reusable foodware policy, and municipal plastic beverage container regulations.
2. Updating the City's existing material ordinances to align with local waste reduction regulations and expand upon them by including a plastic bag ban update, a plastic and mylar confetti ban, and a ban on hotel single-use plastic bottles.
3. Updating the City's existing material ordinances to align with local waste reduction regulations and expand upon them by including a single-use plastic water bottle sale ban, a paper and plastic bag ban, a disposable cup and takeout container fee, and a reusable cup requirement for large events.

Any update to the City's single-use materials ordinances would be followed by a robust education and outreach program to ensure a smooth transition to safe alternatives. Staff

recommends that the Sustainability Council Committee forward the second option to Council for adoption.

DISCUSSION:

Marine debris is a globally recognized issue with broad impacts. According to the United Nations Environment Programme (UNEP), half of all plastic produced worldwide is designed for single-use purposes. Approximately 85 percent of single-use plastic food and beverage containers ultimately end up in landfills or as unregulated waste. These products often find their way into oceans and waterways, where they break down into smaller pieces that wildlife ingest. Microplastics have even been detected in fish tissue, and consequently, they enter human tissue through seafood consumption. The Regional Water Control Board has recognized product bans as an effective way to prevent trash pollution in our waterways. Through the implementation of material bans, the City seeks to foster a healthy environment and a clean community.

The City of Santa Barbara has set a precedent for other jurisdictions by enacting multiple material bans in the past 10 years. In 2013, the City adopted the Single-Use Carryout Bag Ordinance before the statewide plastic bag regulations. On July 24, 2018, City Council passed an ordinance banning the distribution and retail sale of expanded polystyrene food and beverage containers. Shortly after, the City implemented regulations on the sale and distribution of plastic straws, stirrers, and cutlery.

Since the City of Santa Barbara's adoption of single-use material bans, neighboring jurisdictions, including Goleta and Carpinteria, have implemented stricter waste reduction ordinances. Staff has outlined three options to update the City's ordinances, all of which include aligning with local waste reduction regulations at a minimum.

Option 1: Align with Local Jurisdictions

Alignment with Goleta and Carpinteria's waste reduction regulations includes the following updates:

Polystyrene Foodware and Products

The City of Santa Barbara's existing Expanded Polystyrene Food Containers and Products Ordinance bans the distribution and retail sale of Expanded Polystyrene (EPS) food containers and products. During the implementation of this ordinance, the Clean Community Division's extensive education and outreach efforts with the business community resulted in the majority of businesses ceasing the distribution and sale of EPS foodware products and switching to compliant materials. Recently, City staff visited 105 businesses and found only 2 businesses using EPS food containers.

To align with neighboring jurisdictions, existing regulations would require updates to include rigid polystyrene and additional EPS products. Polystyrene products easily enter the environment due to their lightweight nature, posing risks to fish and wildlife if ingested.

Food and beverage containers made of EPS or polystyrene are not recyclable in the City's collection programs and are difficult to clean up when littered. Updating the City's expanded polystyrene regulations would further reduce litter and marine debris.

Key components of this section of the proposed ordinance include:

1. Prohibiting the use, distribution, and sale of polystyrene foodware, coolers, packing materials, egg cartons, produce trays, and meat and fish trays;
2. Providing exemptions for food prepared or packaged outside the City, excluding raw produce, poultry, vegetables, fruit, fish, meat, and eggs.

Mylar and Latex Balloons Restrictions

Mylar and latex balloons are a source of marine debris that can harm ocean life. When balloons are filled with lighter-than-air gas, they can travel long distances and drop into the ocean or waterways, where they do not biodegrade. Marine animals often mistake these balloons for food, causing harm when ingested.

Additionally, Mylar balloons released into the air can pose a threat to public safety. Across the state, Mylar balloons are responsible for hundreds of power outages and can start fires if they become entangled in power lines. To avoid these threats to the environment and public safety, residents can use safer alternatives to balloons like reusable paper lanterns or paper banners for celebrations.

Key components of this section of the proposed ordinance include:

1. Prohibiting the sale and distribution of metalized or Mylar balloons in the City;
2. Prohibiting the use or distribution of metalized or Mylar balloons on public property including parks and beaches;
3. Prohibiting the release of latex balloons filled with air or lighter than air gas within the City.

Single-Use Disposables

The City's current Plastic Beverage Straws, Stirrers, and Cutlery Ordinance was adopted in 2019. Restrictions were placed on the distribution of plastic cutlery while plastic straws and stirrers were banned. Subsequently, the ordinance was updated in 2022 to align with Assembly Bill 1276, requiring foodware accessories and standard condiments to be distributed only when requested by customers.

Since then, both Goleta and Carpinteria have adopted stricter single use materials ordinances to address the challenge of processing disposable foodware within the County of Santa Barbara. Plastic and bioplastic disposable foodware cannot be recycled or composted at the County's ReSource Center processing facility and are landfilled as a result. Furthermore, these materials often pollute streets and waterways, posing a threat to wildlife.

Staff recommends updating the City's ordinance to include the prohibition of all disposable foodware that cannot be composted through the City's available collection programs. This language would simplify existing regulations and provide businesses with a clear objective. Alternative materials, such as fiber, paper, bamboo, and wheat straw can be processed through the City's collection program.

Key components of this section of the proposed ordinance include:

1. Prohibiting food and beverage providers from distributing plastic straws, stirrers and utensils. Disposable straws, stirrers and utensils must be made from non-plastic materials;
2. Prohibiting the distribution of disposable foodware and foodware accessories that are not compostable within the City of Santa Barbara's available collection programs.

Reusable Foodware Policy for On-Site Dining

Reusable alternatives to single use disposables are the best way to reduce waste. According to the United Nations Environment Programme (UNEP), 85% of single use food and beverage containers are landfilled. Reusable foodware not only prevents unnecessary trash from ending up in the landfill, but also reduces litter in streets and waterways. Businesses can simultaneously reduce their waste generation and save money by opting for reusable foodware instead of disposables when serving food and beverages on-site

Staff recommends mandating the use of reusable foodware for on-site consumption of food and beverages. Exemptions would be outlined for disposable items that may not have practical reusable alternatives, such as wrappers, foil, napkins, and plate liners. In addition, businesses that do not have dishwashing capacity, face space constraints, or have other unique circumstances impeding compliance could apply for exemption.

Key components of this section of the proposed ordinance include:

1. Food or Beverages served for on-site consumption shall only be served using reusable foodware;
2. Exemptions can be made for food or beverage providers that do not have dishwashing capacity access.

Municipal Single-Use Beverage Containers

Multiple municipalities have policies banning plastic bottles from their facilities and events. In addition to plastic bottles, the City of Goleta added aseptic paper packaging to its list of banned municipal single-use beverage containers. Aseptic containers are made of shelf-safe packaging that typically contain layers of paper, plastic, and aluminum. The layers of various materials are difficult to separate in the recycling process. For this

reason, aseptic containers are not accepted in the City's recycling collection program. Plastic bottles can be recycled through the City's collection program; however, they are often sources of plastic litter.

Key components of this section of the proposed ordinance include:

1. Prohibiting the sale, use or distribution of single-use Plastic Beverage Bottles or Aseptic Paper Packaging at City facilities or by City contractors or vendors.

Option 2: Expand Local Waste Reduction Ordinances

The second ordinance option proposes not only aligning with Goleta and Carpinteria's waste reduction ordinances, but also expanding upon them to include a plastic bag ban update, a plastic and mylar confetti ban, and hotel single-use plastic bottles ban. These regulations will require robust education and outreach efforts but are feasible within the near future. Staff recommends that Council adopt the second ordinance option, including the following sections:

Plastic Bag Ban

The City's existing Single-Use Carryout Bag Ordinance contains plastic bags that meet a minimum thickness in its definition of a Reusable Bag. Since the statewide ordinance was adopted in 2014, studies have shown that reusable plastic bags have resulted in an increase of plastic production. The state agency, CalRecycle, reported 231,072 tons of plastic bags in 2021 compared to 147,038 tons in 2004. Staff recommends expanding the City's bag ban to include all plastic bags and increase the Post Consumer Recycled content requirement (PCR) for paper bags.

A plastic bag ban is already in progress at the state level. As of May 2024, the California Senate passed a bill that would close the reusable plastic bag loophole. SB1053 and AB 2236 propose eliminating all plastic bags from the definition of a Reusable Bag. The State has also proposed increasing the PCR content requirement for paper bags to 50 percent. SB 1053 has successfully passed through the Senate and AB 2236 is currently under review by the Assembly. The bill is on track to become effective in 2026 if approved.

Key components of this section of the proposed ordinance include:

1. Prohibiting the sale and distribution of all plastic carryout bags;
2. Increasing the Post-Consumer Recycled content requirement for paper bags to 50%.

Plastic and Mylar Confetti Restrictions

Confetti is a celebratory material that frequently ends up in streets and waterways as litter. During parades and celebrations, plastic and mylar confetti are often dumped on sidewalks, streets, and parks. Confetti's lightweight nature makes it susceptible to

washing or blowing into storm drains, creeks, and the ocean, where it does not biodegrade. To mitigate this impact, residents can opt for alternative materials that won't harm wildlife, such as paper confetti or leaves and flower petals to celebrate.

Key components of this section of the proposed ordinance include:

1. Prohibiting the sale and distribution of plastic and Mylar confetti in the City;
2. Prohibiting the use or distribution of plastic and Mylar confetti on public property including beaches and parks.

Single-Use Hotel Toiletries

AB 1162 is a State Assembly Bill that prohibits lodging establishments from providing personal care products in small plastic bottles. Lodging establishments include hotels, motels, resorts, bed and breakfast inns, or vacation rentals. Small plastic bottles are defined as nonreusable containers with less than a 6-ounce capacity.

Commencing January 2024, the regulations apply to all lodging establishments and affect personal care products, including shampoo, conditioner, and soap. Small plastic bottles of personal care products may be provided at no cost, upon request, at the front desk. Establishments are encouraged to use bulk dispensers to reduce waste and lower operating costs. Staff recommends designating the Sustainability and Resilience Department as the enforcement authority for AB 1162.

Key components of this section of the proposed ordinance include:

1. Prohibiting a lodging establishment from providing personal care products in small plastic bottles within guest rooms or bathrooms;
2. Designate the Sustainability and Resilience Department as the authority to enforce these requirements.

Option 3: Long-Term Change

The third ordinance option proposes expanding Goleta and Carpinteria's waste reduction ordinances by including a single-use water bottle ban, a paper and plastic bag ban, a disposable cup and takeout container fee, and reusable cup requirement for large events. This proposal includes ambitious waste reduction regulations that may require longer implementation timelines due to infrastructure requirements and supply chain demands. These regulations and associated programs form a part of the Clean Community Division's long-term aspirations to minimize landfill disposal. Updates in the third option include:

Single-Use Plastic Water Bottle Sales

Plastic bottles are sources of litter that break down into microplastics and pollute the ocean and waterways. Pieces of plastic bottles have been found in the bodies of birds

and it is estimated that 35% of fish ingest plastic debris. Microplastics ultimately make their way into the human bloodstream through the consumption of fish. Drinking from plastic water bottles can have damaging effects on marine ecosystems and human health.

Under this section of the proposed ordinance, vendors would be prohibited from selling or distributing plastic water bottles. Cities such as South Lake Tahoe and San Francisco have adopted single use water bottle sale bans. These bans require education and a phased approach to allow the City and others enough time to implement alternative options and install water refill station infrastructure. To accommodate the change, the City would apply for grants and seek to add more refillable water stations. Campaigns to encourage residents to use reusable bottles and opt for tap water would form a part of the implementation.

Key components of this section of the proposed ordinance include:

1. Prohibiting vendors from selling single-use plastic water bottles smaller than one gallon;
2. Exemptions for cases of emergency or other city situations deemed necessary to protect the public health, safety, and welfare.

Paper and Plastic Bag Ban

In addition to plastic bags, disposable paper bags also have environmental impacts due to the large inputs of water, energy, and wood in their production. Disposable bags are used for 12 minutes on average before disposal. While the production of reusable bags also uses many resources, they can be reused hundreds of times before disposal to offset the impacts.

Banning both paper and plastic bags would create an effective and uniform policy for businesses to follow. New Jersey is currently the only state in the Country that has banned both plastic and paper bags. California's proposed bag ban update would only apply to plastic bags, but not disposable paper bags.

The proposed paper and plastic bag ban would require a phased approach to give businesses, residents, and suppliers time to acquire alternatives and plan operational changes. Alternative materials include, but are not limited to, cotton, hemp, bamboo, and textile reusable bags. Stores would not be required to provide reusable bags to customers at no cost.

Key components of this section of the proposed ordinance include:

1. Prohibiting the sale and distribution of all plastic and paper single-use carryout bags.

Disposable Cup and Takeout Container Fee

Fees for single-use disposables are intended to encourage customers to bring their own reusable containers and cups when ordering to-go or opt for a reusable to consume food and beverages on-site. Customers who opt for a disposable cup or container would be charged \$0.25 per disposable. The fee is not a City tax and all fees collected would be retained by the vendor to provide additional revenue. Collection of fees can help offset the cost of purchasing compostable disposable foodware. With less customers opting for disposables, vendors can save money on the amount of disposables they order and waste disposal costs.

Key components of this section of the proposed ordinance include:

1. Requiring restaurants or other prepared food vendors to charge customers \$0.25 for each disposable cup and disposable takeout container provided;
2. All income from this charge shall be retained by the vendor collecting the charge;
3. Customers may provide their own reusable cup or takeout container in accordance with the California Health and Safety Code;
4. Exemptions provided for WIC, EBT, CalFresh/SNAP, or Medi-Cal benefit customers.

Reusable Cup Requirement for Large Events

The live event industry contributes over 4 billion single-use and disposable cups that end up in landfills each year. In the City of Santa Barbara, single-use plastic and bioplastic cups are not recyclable through the City's collection system and are landfilled. The reusable cup requirement would apply to any event on City property or City streets with more than 100 attendees. Event producers would be required to seek to have 10% of attendees use reusable cups.

The Santa Barbara Bowl has already taken the initiative and serves all beverages in reusable cups. When attendees finish their beverages, they toss their reusable cups in a designated bin where they are collected, washed, and sanitized for reuse. In addition to the reusable plastic cup, the Bowl sells reusable souvenir cups and offers a discount on every refill. This model can serve as an example for other large events within the City.

Key components of this section of the proposed ordinance include:

1. Requiring permitted events of over 100 attendees to ensure at least 10% have reusable cups.

Education and Outreach to Ensure a Smooth Transition to Safer Alternatives

Education and Outreach are key factors to the success of material bans. The Clean Community Division has fostered collaborative relationships with the business community through proactive communication and bilingual education. This proactive approach would

continue and be supported by the Community Engagement Division to ensure a smooth transition to safer alternatives.

To assist businesses with ordinance implementation, the Clean Community Division will develop a robust education and outreach program, including a “Clean Community Toolkit” for businesses. The toolkit would include:

- Samples of alternative packaging and foodware to businesses at no cost
- Foodware Purchasing Guide and Fact Sheet
- List of suppliers and pricing for alternative materials
- Waste audits and consultations by the Clean Community Division to help businesses apply waste management best practices
- Site visits and site-specific recommendations to help businesses achieve compliance
- Signage, stickers, flyers, and bilingual training for management and staff at no cost
- Clean Community Workshops to connect businesses and event producers with vendors who supply compliant materials.
- Robust social media campaign
- Incentive programs and rebates for businesses to switch to reusable foodware.

While outreach will remain the top priority, enforcement is a crucial tool for the successful implementation of material ordinances. Stakeholders would receive advanced notification of all requirements, exemptions, and implementation timelines before any enforcement takes effect. Staff recommends the addition of one full-time Code Enforcement Officer position to oversee the implementation of the proposed ordinance.

BUDGET/FINANCIAL INFORMATION:

The costs to develop single-use materials regulations and shepherd the regulations through the approval process can be accomplished with existing staff and existing appropriations in the Solid Waste Fund. Similarly, the cost of outreach, education, and communication materials can likely be accomplished with existing staff and appropriations in the Solid Waste Fund.

The addition of one full-time Code Enforcement Office position to oversee the implementation of the proposed ordinance would likely cost an additional annual \$145,900. Depending on how the workload of the position is defined (for example, if the position were to focus exclusively on single-use materials regulations or if the position focused on single-use materials regulations as well as other enforcement priorities), the Solid Waste Fund could fund part or all of this additional cost. In the long term, the costs of the position would likely be included in the solid waste rates to be paid by trash & recycling customers.

SUSTAINABILITY IMPACT:

The reduction of single use disposable materials contributes to the City of Santa Barbara's ongoing carbon footprint reduction efforts. Plastic foodware production relies on fossil fuels and is often used once before it is sent to a landfill. By switching to reusables and utilizing disposables that can be composted through the City's collection programs, more material can be diverted from the landfill. Additionally, single use materials are one of the top sources of litter in the streets and waterways. Reducing the prevalence of these materials would result in less ingestion of toxins from plastics that accumulate up the food chain through marine animals. Waste reduction not only results in fewer carbon emissions, but it creates a safer environment for wildlife and improves public health.

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