



Cover Memorandum/Staff Report

File #: 19-099

Agenda Date: 2/5/2019

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Ana Puszkina-Chevin, Sustainability Officer
THROUGH: Mark R. Lauzier, City Manager; India J. Adams, Asst. City Manager
DATE: February 5, 2019

ORDINANCE NO. 10-19 PROHIBITION OF SINGLE-USE PLASTIC STRAWS (SECOND READING)

Recommended Action:

Motion to approve Ordinance 10-19 placing prohibitions on the distribution of plastic straws.

Background:

The detrimental environmental impact of single use plastic straws has received national attention. At least eleven US cities, and five in Florida have moved forward on ordinances that either limit their distribution or prohibit their use on public property, coastal areas or citywide. Some ordinance include other single-use plastics, such as plastic cutlery, polystyrene containers and plastic bags, others focus just on straws. The latest cities to join have been Hallendale Beach, whose ordinance goes into effect on January 2019, and Deerfield Beach, whose ban goes into effect April 2019. The growing environmental movement motivated the State of California to advance legislation limiting plastic straw distribution statewide to patrons that request straws.

At the September 11th City Commission Workshop, staff presented recommendations to advance an ordinance that would for the first 18-months after passage, limit distribution of plastic straws by food service establishment only to patrons that request them, then after the 18-month transition period, prohibit food service establishments from providing plastic straws to patrons. Only reuseable straws, or straws made of marine-biodegradable material would be permitted. The proposed ordinance would apply citywide. During the 18-month transition period, city staff would engage in a 'Skip the Straw' educational outreach effort to advance adoption of the new requirements, and no penalties would be enforced.

Based on City Commission's endorsement of this measure during the Workshop, and taking into consideration concerns about exemptions for disabled persons, Ordinance 10-19 was drafted by the City Attorney's Office with input from the Sustainability Officer. The ordinance provides exemptions for medical disabilities and excludes hospitals, residences for the aged or medical rehabilitation, convenience stores and Palm Beach School District properties. It does not apply to products pre-packaged with straws arriving from other locations. The ordinance includes restrictions on straws made of bio-plastics, as these products, while compostable in an industrial compost operation, do not biodegrade in water or land environments. Bioplastic straws are thus equally detrimental to marine environments as petroleum-based plastics.

The proposed ordinance language was reviewed by the Green Implementation Advancement Board at their November 15, 2018 meeting, where a motion to approve was passed 4-0. That same day, the

proposed ordinance was presented to the the Chamber of Commerce's Policy Advisory Committee, where it was met with enthusiastic support. Chamber members were very supportive of the city's strong environmental stance and the efforts to brand the city as a leader in sustainability. A letter of support is attached.

During staff discussion, the Neighborhood and Community Services Department raised concerns about enforcement practices for this ordinance, noting that without the ability to issue civil violations, enforcement may be ineffective and overall enforcement could be challenging. The offending party could cure the deficiency noted in the citation, and then continue non-compliant practices. While the lack of civil citation penalties this poses a challenge for code enforcement staff, it was concluded that the primary objective of the ordinance is to force behavioral changes among food establishments and shift consumer preferences. The code enforcement team will be provided educational materials that they can distributed to management of food service establishments to inform them of the ordinance and facilitate compliance. Continual warnings aimed at converting restaurants to sustainable practices would like achieve the desired goal. Should the city choose to reinstate civil citations, enforcement of the ordinance would be facilitated. The current ordinance language allows for \$100 penalty for the first offense in any 12 month period; a \$200 fine for the second offense and a \$500 fine for the third offense.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

For the first 18 months, this ordinance requires that food service establishments only distribute plastic straws to patrons that specifically request straws. This will typically reduce the number of straws used, thus saving money to the establishments. Eighteen months after adoption, the ordinance would prohibit food service establishments from distributing plastic straws to patrons, requiring restaurants and bars to switch to products that are marine-biodegradable. Plastic straws typically cost between 0.7 cents and 1 cent, while paper straws, purchased in bulk may cost approximately 3 cents. While this represents a 2 fold increase, it is anticipated that the number of straws distributed will decline. Moreover, the growing demand for paper straws attracted more manufacturers to the market, which has already brought prices of paper straws down and increased availability of paper straws of different lengths and qualities. A discussion with a representative of Gordon Foods has suggested that the price point has already dropped in the past 6 months.

Finally, the incremental cost for straws is relatively low compare to costs for labor and other expenses. For example, a moderately busy medium-size restaurant uses an estimated 1500 straws weekly, at a cost of \$15 for plastic straws, or \$45 for paper straws, in today's market. The \$30 difference can be absorbed by reducing approximately 15 minutes of labor cost daily, assuming a \$15 wage per hour for staff.

Timing of Request:

Staff requests City Commission action prior to the 2019 State Legislative session in March 2019.