



## City Council Agenda Item

**City Council Meeting Date:** June 21, 2022

**TO:** Dean Albro, City Manager

**FROM:** Keith Quinlan, Solid Waste Superintendent  
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**SUBJECT:** Assembly Bill 1276 Single-Use Foodware Accessories and Standard Condiments; Adoption of Resolution No. 6519(22) Authorizing an Enforcement Agency

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### **Recommendation:**

Staff recommends the City Council adopt Resolution No. 6519(22), authorizing the City of Lompoc, through the Utility Director or his or her designee, to be the enforcement agency for Assembly Bill (AB) 1276, specifically Chapter 5.2 Single-Use Foodware Accessories and Condiments of Part 3 of Division 30 of the California Public Resources Code, within the City of Lompoc.

### **Background:**

Single-use foodware accessories and standard condiments are very common in the waste stream and have only increased since the onset of the COVID-19 pandemic. In many instances, these items are given to customers without consent, creating needless waste. Their small size also makes them prone to be littered. Restaurants are also spending large amounts of money on these items, when reusable alternatives are common and practical.

AB 1276<sup>1</sup> is a new law that intends to reduce the generation and disposal of single-use foodware accessories and condiments in certain food facilities. The new law requires that food facilities only provide single-use foodware accessories or standard condiments to consumers upon request. The law also prohibits bundling of these items in such a way as to prevent the customer from taking only the item requested. Noncompliance with this mandate may be met with a fine. First and second violations result in a notice of violation, and any additional violation carries a \$25 fine for each day, not to exceed \$300 annually.

AB 1276 does allow businesses to still provide single-use foodware accessories and standard condiments to customers upon request. The following food facilities are not affected by AB 1276: correctional institutions, licensed health care facilities, residential

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<sup>1</sup> Signed into law by the Governor on October 5, 2021.

care facilities, or public and private school cafeterias. Reducing the generation, use, and disposal of single-use foodware accessories will help save landfill space and decrease littering in our community.

**Discussion:**

AB 1276 requires that cities and counties authorize an enforcement agency to enforce its provisions by June 1, 2022. The Solid Waste Division is best suited to enforce the new law. Solid Waste plans to educate businesses about the new requirements via social media and by providing online resources. Enforcement will be conducted via a complaint portal, where individuals can submit a complaint of a business being out of compliance. This would trigger a site visit by the Utility Director or designee to conduct in-person outreach and education with business owners and staff. Fines would be issued as a last resort.

**Fiscal Impact:**

At this time, an accurate account of the fiscal impact is not known as the enforcement is dependent on residents submitting complaints via the online portal, however any enforcement costs would not impact the General Fund. There is no reimbursement from the state to enforce this mandate.

**Conclusion:**

Adoption of Resolution No. 6519(22) provides the legal framework for the City to comply with the enforcement requirement of AB 1276.

Respectfully submitted,

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Keith Quinlan, Solid Waste Superintendent

**APPROVED FOR SUBMITTAL TO THE CITY MANAGER:**

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Charles J Berry, Utility Director

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

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Dean Albro, City Manager

Attachment: Resolution No. 6519(22)