



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: May 24, 2022

Subject: Adoption of Resolution No. 2022/190, authorizing enforcement of new single-use foodware and condiment laws

RECOMMENDATION(S):

ADOPT Resolution No. 2022/190, authorizing the Contra Costa Health Services Department, Environmental Health Division, in its capacity as solid waste local enforcement agency for Contra Costa County, to enforce Public Resources Code provisions pertaining to single-use foodware accessories and standard condiments. (Pub. Resources Code, § 42270 et seq.)

FISCAL IMPACT:

If approved, the fiscal impact will include staff time spent responding to complaints and will be funded 100% by Solid Waste Program Funds.

BACKGROUND:

Assembly Bill 1276 ("AB 1276") was approved by the California Legislature in 2021 to amend an existing law that prohibited full-service restaurants from providing single-use plastic straws to consumers except upon request.

AB 1276 amended Chapter 5.2 of Part 3 of Division 30 of the Public Resources Code ("Chapter 5.2"), effective January 1, 2022. As amended, Chapter 5.2 (Pub. Resources Code,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/24/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 24, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: Tim Kraus, (925)
608-5549

cc:

§ 42270 et seq.) prohibits a food facility, as defined by section 113757 of the Health and Safety Code, from providing any single-use foodware accessory or standard condiment to a consumer except upon request, and prohibits the bundling or packaging of these items in a way that precludes the consumer from taking only the item desired.

Public Resources Code section 42272, subdivision (a), requires a city, county, or city and county, on or before June 1, 2022, to authorize an enforcement agency to enforce Chapter 5.2.

Under Public Resources Code section 40130, the term “enforcement agency” means the local agency designated pursuant to Article 1 of Chapter 2 of Part 4 of Division 30 of the Public Resources Code for the purposes of carrying out Division 30, also known as the California Integrated Waste Management Act of 1989 (the “Act”).

BACKGROUND: (CONT'D)

On July 16, 1992, the California Integrated Waste Management Board approved the designation of, and certified, the Contra Costa County Health Services Department, Environmental Health Division, as the local enforcement agency in Contra Costa County (the “County LEA”), pursuant to Article 1 of Chapter 2 of Part 4 of the Act.

As the County LEA, Contra Costa Health Services Department, Environmental Health Division, therefore requests Board authorization to enforce Public Resources Code provisions pertaining to single-use foodware accessories and standard condiments.

CONSEQUENCE OF NEGATIVE ACTION:

The resolution will not be adopted and the Environmental Health Division will lack the Board authorization to enforce Pub. Resources Code, § 42270 et seq.

ATTACHMENTS

Resolution 2022/190