



## Legislation Details (With Text)

**File #:** 22-1059 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 6/6/2022 **In control:** Board of Supervisors  
**On agenda:** 6/28/2022 **Final action:** 6/28/2022  
**Title:** Environmental Management Department recommending the Board adopt and authorize the Chair to sign Resolution 102-2022, designating and authorizing Environmental Management as the enforcement agency within El Dorado County to enforce provisions of Assembly Bill (AB) 1276, which regulates single-use plastics at food facilities, as required by the State of California.

**FUNDING:** Solid Waste - County Service Area 10 Litter Abatement Taxes, Environmental Health Permit Fees.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. A. Blue Route - Signed, 2. B. Resolution, 3. Executed Resolution 102-2022

Date	Ver.	Action By	Action	Result
6/28/2022	1	Board of Supervisors	Approved	Pass

Environmental Management Department recommending the Board adopt and authorize the Chair to sign Resolution **102-2022**, designating and authorizing Environmental Management as the enforcement agency within El Dorado County to enforce provisions of Assembly Bill (AB) 1276, which regulates single-use plastics at food facilities, as required by the State of California.

**FUNDING:** Solid Waste - County Service Area 10 Litter Abatement Taxes, Environmental Health Permit Fees.

### DISCUSSION / BACKGROUND

On October 5, 2021, Governor Newsom signed into law AB 1276 (Chapter 505), with the intentions to reduce the generation and disposal of single-use plastics from certain food facilities which end up in landfills or littered on the side of roads. The statute prohibits food facilities from providing any single-use foodware accessories or condiments without having been requested by the consumer and prohibits those items from being bundled or packaged in a way that prohibits the consumer from taking only the item desired. The bill authorizes such food facilities to ask customers in a drive-thru if they need an item before including it, and offer single-use foodware as an option for selection if using a third-party ordering service. The bill excludes such facilities as correctional institutions, health care facilities, residential care facilities and public and private school cafeterias from these requirements.

This bill required the County to authorize an enforcement agency to enforce these requirements by June 1, 2022. Environmental Management has the authority under the California Health and Safety Code to conduct routine inspections and issue health permits to all food facilities in El Dorado County. Due to the familiarity and oversight of all food facilities in the county, it was determined that Environmental Management would serve as the agency to educate and enforce AB 1276 through combined efforts by our Environmental Health staff and our Sustainability Coordinator (Solid Waste) both in education and enforcement.

AB 1276 stipulates that the facility's 1<sup>st</sup> and 2<sup>nd</sup> violations of these provisions will result in notice of violations being given, with any violations thereafter being deemed an infraction and punishable by a fine of \$25 for each day in violation, not to exceed a total of \$300 annually.

Environmental Management will focus first on education of the food facilities and community with regards to this new mandate.

### **ALTERNATIVES**

This Law requires the County to designate and authorize an enforcement agency to enforce AB 1276. An alternative could be the designation of another department for enforcement.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is currently no funding offered for the enforcement of this mandate. Existing staff will be utilized to prepare educational materials and enforce this throughout the County.

The California Constitution requires that the State reimburse local agencies for costs associated with enforcing State mandates. The Commission on State Mandates may yet determine that there are costs created by the State with some mandates within this bill and may conclude that some reimbursement should be made. In the interim, costs may be recovered through fines assessed.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

1) Clerk of the Board will obtain the Chair's signature on two (2) originals of the Agreement; and  
2) Clerk of the Board will forward one (1) fully-executed original Agreement to the Environmental Management Department.

### **STRATEGIC PLAN COMPONENT**

Good Governance

### **CONTACT**

Jeffrey Warren, Director  
Environmental Management Department