



COUNTY OF HUMBOLDT

Legislation Text

File #: 22-653, Version: 1

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Consent

SUBJECT:

Resolution Authorizing the Humboldt County Health Officer and the Department of Health and Human Services - Public Health, Division of Environmental Health (“DEH”), to Serve as the Enforcement Agency for State Law Requirements Relating to Single-Use Foodware Accessories and Standard Condiments

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the Resolution authorizing and approving the Humboldt County Health Officer and DEH to serve as the enforcement agency for State law requirements relating to single-use foodware accessories and standard condiments, as required by Assembly Bill 1276 (“AB 1276”) and as codified in Public Resources Code section 42272; and
2. Direct the Clerk of the Board to return one certified original, signed copy of the resolution to Public Health Administration.

SOURCE OF FUNDING:

Public Health Fund

DISCUSSION:

On October 5, 2021, California Governor Gavin Newsom signed into law AB 1276, which amended and added requirements to Chapter 5.2 of the Public Resources Code pertaining to “single-use foodware accessories and condiments,” such as utensils, chopsticks, condiment cups and packets, straws, stirrers, splash sticks and other related disposable items. The new State legislation is intended to reduce waste generated by food facilities providing disposable, single-use foodware accessories and, beginning June 1, 2022, mandates that restaurants and other food facilities only offer disposable, single-use food accessories upon customer request. The new legislation expands upon the 2019 “straw upon request” law to include all types of single-use disposable foodware, but does not apply to correctional facilities, licensed health care facilities, residential care facilities, and public and private school cafeterias.

The legislation also requires a city, county, or city and county to authorize an enforcement agency, on or before June 1, 2022, to enforce the requirements of the new law. Enforcement actions are limited to the issuance of a notice of violation, second notice of violation, and issuance of fines of up to \$25 for each ongoing violation, not to exceed \$300 per year.

The Resolution (Attachment 1) is being brought before your Board to ensure the County's compliance with AB 1276 and Public Resources Code section 42272 by formally authorizing the Humboldt County Health Officer and DEH to serve as the County's enforcement agency relating to "single-use foodware accessories and condiments." Once authorized by your Board, DEH anticipates that other local jurisdictions may opt to identify and authorize the Humboldt County Health Officer and DEH to serve as their respective jurisdiction's enforcement agency as well.

FINANCIAL IMPACT:

There is no state funding associated with AB 1276 and there is no requirement for reimbursement of costs that may be incurred by a local agency. The financial impact to the county will be reflected in additional staff time to monitor, inspect, and ensure compliance with the new law. In the event a violation is observed and documented, the operator will receive notice and time to make necessary corrections. Violations related to single-use foodware accessories and condiments packaged for single use do not constitute an immediate health risk in and of themselves and, as such, reinspection for compliance would be completed in accordance with routine inventory inspection frequency.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents and creating opportunities for improved safety and health.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve this Resolution. However, failure to authorize an enforcement agency for this law on or before June 1, 2022 would result in a direct violation of Public Resources Code section 42272.

ATTACHMENTS:

1. Resolution for Assembly Bill 1276 for Single-Use Foodware Accessories and Condiments.
2. California State Assembly Bill No. 1276 for Single-Use Foodware Accessories and Standard Condiments.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A