

CITY OF YUBA CITY  
STAFF REPORT

**Date:** October 4, 2022  
**To:** Honorable Mayor & Members of the City Council;  
**From:** Public Works Department  
**Presentation By:** Ben Moody, Public Works & Development Services Director

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**Summary**

**Subject:** Assembly Bill 1276 Single-Use Foodware Accessories and Standard Condiments

**Recommendation:** Adopt a Resolution authorizing the Public Works Department - Environmental Compliance Division, as the enforcement agency to enforce the requirements of AB 1276, Single-Use Foodware Accessories and Standard Condiments

**Fiscal Impact:** Minor fiscal impact associated with printing and distributing educational materials related to AB 1276 to food establishments within Yuba City

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**Purpose:**

To comply with AB 1276, a new law established to reduce single-use foodware and standard condiments in the waste stream.

**Council's Strategic Goal:**

While this item does not necessarily align with Council's goals, it is necessary to comply with the law.

**Background:**

Single-use foodware accessories (e.g. utensils, straws, stirrers, etc.) and standard condiments are very common in the waste stream, and are often automatically given to customers without their specific request. AB 1276 - Single-use Foodware Accessories and Standard Condiments - was signed into law by Governor Newsom on October 5, 2021. AB 1276 restricts restaurants and other food establishments from providing single-use foodware accessories and standard condiments to a consumer unless requested by the consumer. A Fact Sheet prepared by the California Department of Public Health is included as an attachment.

AB 1276 is codified in the California Public Resource Code, Sections 42270 through 42273, and requires that a city or county authorize an enforcement agency to enforce the requirements. Sutter County has designated the Development Services Department - Environmental Health Division as the enforcement agency for the unincorporated areas of Sutter County. Sutter County staff will distribute an educational handout detailing the requirements of AB 1276 to facilities including those facilities within the City limits as part of the current food facility inspections. Included is a copy of Sutter County's

informational flyer related to AB 1276.

**Analysis:**

Staff recommends that City Council designate the Public Works Department - Environmental Compliance Division as the enforcement agency for Yuba City. The Environmental Compliance Division makes contact with food establishments throughout the year as part of the Fats, Oils, and Grease (FOG) Program, and will coordinate with Sutter County to help provide educational materials related to AB 1276 to affected establishments.

AB 1276 provides for penalties in which first and second violations will receive a notice of violation, and any additional violations will carry a \$25 fine for each day in violation, not to exceed \$300 annually.

Staff will take an "education first" approach to make sure that the food establishments are aware of the requirements, and will only use the violation process as a last resort for ongoing or blatant violation of the law.

**Fiscal Impact:**

Minor fiscal impact associated with printing and distributing educational materials related to AB 1276 to food establishments within Yuba City.

**Alternatives:**

The City Council may authorize a different Division or Department to serve as the enforcement agency.

**Recommendation:**

Adopt a Resolution authorizing the Public Works Department - Environmental Compliance Division, as the enforcement agency to enforce the requirements of AB 1276, Single-Use Foodware Accessories and Standard Condiments

**Attachments:**

1. Attachment 1 - AB 1276 Resolution
2. Attachment 2 - CDPH Fact Sheet AB 1276
3. Attachment 3 - Sutter County Information Flyer AB 1276

Prepared By:  
Diana Langley  
City Manager

Submitted By:  
Diana Langley  
City Manager

# ATTACHMENT 1

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
AUTHORIZING THE PUBLIC WORKS DEPARTMENT –  
ENVIRONMENTAL COMPLIANCE DIVISION, AS THE ENFORCEMENT  
AGENCY TO ENFORCE THE REQUIREMENTS OF AB 1276 –  
SINGLE-USE FOODWARE ACCESSORIES AND STANDARD  
CONDIMENTS**

WHEREAS, Assembly Bill 1276 – Single-Use Foodware Accessories and Standard Condiments intends to reduce the generation and disposal of single-use foodware accessories in certain food facilities; and

WHEREAS, AB 1276 required a city, county, or city and county, to authorize an enforcement agency in accordance with Public Resources Code section 42272.

NOW, THEREFORE, the City Council of the City of Yuba City, does hereby resolve as follows:

Section 1. The City of Yuba City's Public Works Department – Environmental Compliance Division is hereby authorized as the enforcement agency to enforce AB 1276, specifically Chapter 5.2 Single-Use Foodware Accessories and Condiments of Part 3 of Division 30 of Public Resources Code, within the City of Yuba City.

Section 2. Enforcement may be provided per Public Resources Code Section 42272 where the first and second violations may result in a notice of violation and any subsequent violation shall constitute an infraction punishable by a fine of \$25 for each day in violation, not to exceed \$300 annually.

Section 3. This Resolution is effective until rescinded by the City Council.

Section 4. This Resolution is effective on the day of its adoption.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 4<sup>th</sup> day of October 2022.

AYES:

NOES:

ABSENT:

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Dave Shaw, Mayor

ATTEST:

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Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY:

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Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP

## ATTACHMENT 2



TOMÁS J. ARAGÓN, MD, DrPH  
Director and State Public Health Officer

State of California—Health and Human Services Agency  
**California Department of Public Health**



GAVIN NEWSOM  
Governor

## **Assembly Bill 1276 Fact Sheet**

Governor Gavin Newsom signed into law AB 1276. The new law changes the **Public Resource Code** in the area of single-use food accessories and standard condiments. This is an addition to the single-use plastic straws law. The law will take effect January 1, 2022.

### **SUMMARY OF THE CHANGES:**

#### **Public Resource Code Chapter 5.2 Single-Use Foodware Accessories and Condiments**

##### **Sec. 2. 42270 – new definitions**

(e) “Single-use foodware accessory” means all of the following single-use items provided alongside ready-to-eat food:

1. Utensils, which is defined as forks, knives, spoons, and sporks
2. Chopsticks
3. Condiment cups and packets
4. Straws
5. Stirrers
6. Splash sticks
7. Cocktail sticks

(f) “Standard Condiment” means relishes, spices, sauces, confections, or seasoning that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt pepper, sugar, and sugar substitutes.

#### **Important Information for Retail Food Industry by Section**

##### **Sec.3. 42271**

In order to reduce the amount of waste created from single-use items the retail food industry is now required to:

1. Only provide single-use accessories to consumers upon request
2. Only provide single-use accessories required to eat the ready-to-eat food



3. No bundling of single-use accessories or condiments
4. Only offer those single-use items needed to eat or prevent spillage of the ready-to-eat food at a drive-through as well as in a public use airport
5. A third-party delivery platform shall provide consumers with the option to request single-use accessories
6. A food facility that uses a third-party platform shall customize their menu with a list of available single-use accessories or condiment. Only those items chosen by the consumer will be delivered. If no single-use accessories or condiments are requested non will be provided
7. Unwrapped single-use foodware accessories that are self-serve, standard condiments that are self-serve, and/or bulk dispensed condiments may still be used

#### **Sec. 4. 42272**

1. A city, county, or city and county have until June 1, 2022 to authorize an enforcement agency for the law
2. First and second violations results in a notice of violation, any additional violation carries a \$25 fine not to exceed \$300 annually

#### **Sec. 5. 42273**

The law does not apply to the following:

1. Correctional institutions
2. Licensed health care facilities
3. Residential care facilities
4. Public and private school cafeterias



# ATTACHMENT 3



# SUTTER COUNTY

## DEVELOPMENT SERVICES DEPARTMENT

Building Inspection  
Code Enforcement

Engineering/Water Resources  
Environmental Health

Planning  
Road Maintenance

## SINGLE-USE PLASTIC AND CONDIMENT REQUIREMENTS

In order to reduce the amount of waste created by single use utensils and condiments, California law **prohibits** restaurants from providing these items to customers unless *requested*.

### Retail Food Industry Requirements:

1. Provide single-use accessories to consumers only upon request
2. Provide only the single-use accessories required to eat the ready-to-eat food
3. No bundling of single-use accessories or condiments
4. Only those single-use items needed to eat or prevent spillage of the ready-to-eat food at a drive-through may be offered
5. A third-party delivery platform shall provide consumers with the option to request single-use accessories
6. A food facility that uses a third-party platform shall customize its menu with a list of available single-use accessories or condiments. Only those items chosen by the consumer may be delivered. If no single-use accessories or condiments are requested none may be provided

*Note: Unwrapped single-use foodware accessories that are self-serve, standard condiments that are self-serve and/or bulk dispensed condiments may still be used*



\*Single-use foodware accessories include forks, knives, spoons, sporks, chopsticks, straws, stirrers, condiments, cups and packets, splash sticks, or cocktail sticks.

\*"Standard condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.