



Agenda Item Summary

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Agenda Item Title

An Ordinance Amending Chapter 20 ("Public Health"), Article 8 ("Single-Use Plastic Foodware and Polystyrene Foam Packaging"), Section 20-8-4 ("Polystyrene Foam Packing Prohibited") and Section 20-8-6 ("Penalty") of the Oak Park Village Code

Overview

The Single-Use Plastic Ordinance, adopted by the Board on May 15, 2023, will prohibit food establishments from using polystyrene foam food packaging products by January 1, 2024. Staff will support restaurants in complying with the ordinance through the Oak Park Green Business program, a partnership with the Illinois Green Business Program and Smart Energy Design Assistance Center. This amendment includes provides additional language concerning the enforcement process for the prohibition on polystyrene packaging.

Recommendation

Adopt the ordinance amendment.

Background

In October 2022, the Board asked Staff to prepare an ordinance prohibiting polystyrene foam foodware in restaurants. From November 2022 through January 2023, Staff facilitated three Single-Use Plastic Policy Design workshops that led community members from impacted groups through a collaborative design-thinking process to develop the new policy. Between February and April 2023, Staff presented the updated plastics reduction ordinance twice to the Business Advisory Council and twice to the Environment and Energy Commission, and incorporated the input from both groups. Staff solicited broader community and restaurant owner input through a survey hosted on the Engage Oak Park site. The survey was distributed through Village communications channels, in partnership with the Chamber of Commerce, and via direct mail and email to each licensed restaurant.

On May 15, 2023, Staff presented an ordinance in alignment with the Climate Ready Oak Park plan (action PP01), the outcomes of the policy design workshops, input from BAC and EEC meetings, and results of the community and business survey questions. The Board voted to adopt the proposed ordinance.

Subsequent to Board adoption, Trustee Parakkat submitted a motion, and Trustee Robinson seconded the motion, to amend the ordinance's enforcement language. The proposed language is as follows:

D. Enforcement: The Village shall perform education and outreach efforts regarding the prohibition contained in this section during the first four (4) months of 2024 through April 30, 2024. No citations shall be brought against food establishments for violations of this section during said time. Thereafter, a food establishment in violation of this section shall be given one (1) written warning beginning on May 1, 2024 prior to a citation being issued against the food establishment. Citations may be issued against any food establishments pursuant to subsections A and B above without a warning being previously issued that violate this section beginning January 1, 2025 and thereafter.

Staff will continue to support the implementation of the Single-Use Plastic Foodware and Polystyrene Foam Packaging through the Oak Park Green Business Program, a partnership with the Illinois Green Business Program (IGBA) and the University of Illinois Smart Energy Design Assistance Center (SEDAC). Direct support services include development of a sustainable foodware guide and a no-cost technical assistance helpline.

Fiscal Impact

Possible increase in cost to retail establishments to transition to non-polystyrene foam packaging. Plant-based, recyclable, and reusable packaging alternatives may be more expensive than polystyrene foam. In order to mitigate potential cost impacts, the Village has launched the Oak Park Green Business technical support program to help local small businesses implement cost-saving efficiencies and identify non-single-use plastic food service options.

DEI Impact

Plastic production and disposal processes have environmental justice impacts on human and ecosystem communities where fossil fuels are extracted for plastics production, and plastics are landfilled or incinerated. Reducing plastic use will have positive DEI impacts.

Findings from the community policy design workshops suggest that a polystyrene ban may disproportionately impact businesses that primarily serve the most affordable types of take-out food. To mitigate potential impact, food establishments with annual income under \$500,000 per location are not required to comply with the polystyrene provision until 2025.

Alternatives

- 1.) Seek additional information from Staff.
- 2.) Direct Staff to modify the ordinance as specified.
- 3.) Do not adopt the ordinance amendment.

Previous Board Action

- In 2018, the Board of Trustees considered whether to restrict the use of plastic straws in Oak Park. On May 7, 2018, the Board referred the issue of plastic straws to the Environment and Energy Commission (MOT 18-323). The EEC, in collaboration with the Interfaith Green Network and the League of Women Voters OPRF, conducted a five-month review of the environmental impact of plastic straws, including stakeholder engagement with local restaurants, community members, and environmental and disability organizations. Significant regional and national conversations occurred at that time about the adverse impact that a straw ban would have on the disability community.

- On February 11, 2019, the Board received a report from the EEC related to the use of plastic straws (ID 19-51). The EEC recommended educating restaurant staff on only dispensing single-use plastics upon request. The Board directed Staff to create a formal program with estimated campaign costs.
- On May 20, 2019, the Board passed a motion to concur with the EEC related to creating a single-use plastic reduction “Plastic Free July” campaign program (MOT 19-68). In July 2019, EEC conducted a Plastic Free July campaign, with participation from local restaurants. See attached link to the campaign.
- On November 18, 2019, the Board passed a motion to receive the EEC’s recommendation to adopt an ordinance prohibiting the use of single-use plastics that include polystyrene foam by all eating establishments and schedule a special meeting for review (MOT 19-114).
- On February 20, 2020, the Board passed a motion to concur with the EEC’s recommendation to prohibit the use of single-use plastics that include polystyrene foam by all eating establishments and direct staff to bring forward the necessary ordinance (MOT 20-009). In March 2020, the COVID-19 pandemic was declared in the United States, which impacted the immediate priorities of Village staff, and reframed the conversation around disposable serving ware. Consequently, Staff did not bring forward an ordinance.
- On August 23, 2022, the League of Women Voters OPRF delivered a letter to the Village Board President, describing a petition which collected 500 signatures in July 2022, and proposed legislation that includes the following: 1.) Replacing single-use plastics in restaurants with biodegradable alternatives OR only supplying these items on request; 2.) Allowing restaurant customers to bring their own containers for leftovers; 3.) Eliminating polystyrene foam containers; and 4.) Banning latex and mylar balloons.
- On October 17, 2022, the Board heard a presentation from the Environment and Energy Commission recommending the adoption of a single-use plastic foodware ordinance that mirrors the adopted City of Chicago ordinance. Trustees requested further consideration to phase out plastic bags and polystyrene (“Styrofoam”) at restaurants. There was a consensus from the Trustees for the recommendations including a ban on polystyrene. (ID 22-173)
- On May 15, 2023, the Board voted to adopt the Single-Use Plastic Foodware and Polystyrene Food Packaging ordinance (ORD 23-8).

Citizen Advisory Commission Action

- In December 2019, the Environment & Energy Commission (EEC) drafted a single-use plastic ordinance and a recommendation on straw use regulation in Oak Park (ID 19-51). The proposed ordinance language included: 1.) Educate restaurant staff and villagers on the use of straws and other single-use plastics; 2.) Standardize to “upon request only” dispensing for single-use plastic items; and 3.) Implement data collection of single-use plastic inventory.
- In September 2019, EEC approved a motion to recommend that the Board pass an ordinance to ban single-use plastics that include polystyrene foam for all eating establishments.
- In January 2020, the EEC added additional recommendations for the Board.
- On March 8, 2022, the EEC approved a motion to recommend that the Board adopt a single-use plastics ordinance that mirrors the City of Chicago ordinance, with an implementation date of July 1st, 2022. The meeting minutes and the City of Chicago ordinance are attached.
- On October 12, 2022, the EEC’s recommendation was presented to the Business Advisory Council (BAC) for input.

- On October 17, 2022, the EEC presented its recommendation to the Board.
- Between November 2022 and January 2023, representatives of the BAC, EEC, and Disability Access Commission (DAC) participated in a series of community policy design workshops facilitated by Village staff.
- On February 15, 2023, Staff presented the revised plastics reduction ordinance recommendations to the BAC for input.
- On April 10, 2023, the EEC deliberated the proposed ordinance language and voted on a recommendation to the Board.
- On April 19, 2023, Staff presented the EEC's plastics reduction ordinance recommendations to the BAC for input, and provided an update on opportunities for technical assistance and public input for businesses.

Anticipated Future Actions/Commitments

Staff will collaborate with community partners to implement supportive programs to assist with compliance with the ordinance.

Intergovernmental Cooperation Opportunities

Staff can collaborate with intergovernmental partners regarding technical assistance for the voluntary phase-out of single-use plastic and polystyrene in food service programs.