



## Agenda Item Summary

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### **Submitted By**

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### **Reviewed By**

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### **Agenda Item Title**

**Concur with the Environment and Energy Commission and Adopt An Ordinance Amending Chapter 20 ("Public Health") of the Oak Park Village Code to Add a New Article 8 ("Single-Use Plastic Foodware and Polystyrene Food Packaging")**

### **Overview**

The Single-Use Plastic Ordinance will require most food establishments to provide single-use plastic foodware items only upon customer request or at a self-service station for any delivery or takeout order. The Single-Use Plastic Ordinance will also prohibit food establishments from using polystyrene foam food packaging products by 2024.

In 2022, Village staff initiated the Oak Park Green Business technical assistance program, in partnership with the Illinois Green Business Program and Smart Energy Design Assistance Center. This program will continue to support local small businesses in transitioning away from single-use plastic and reducing energy and water use, in order to achieve cost savings and reduce negative environmental impact.

### **Recommendation**

Adopt the Ordinance.

### **Background**

An estimated twenty-two million pounds of plastic enter the Great Lakes every year (Hoffman & Hittinger, 2017, *Marine Pollution Bulletin*). Plastic released into the environment deteriorates into plastic fragments; fragments less than five millimeters long are considered "microplastics" (Zhang et al., 2021, *Environmental Pollution*). Microplastics can pass through water filtration systems and be consumed by humans and wildlife (National Oceanic & Atmospheric Association, NOAA). Single-use plastic products may contain endocrine disruptors that alter hormone functioning (National Institute of Environmental Health Sciences, NIH), create litter, and degrade wildlife habitats (UN Environmental Programme, 2021, *From Pollution to Solution: A global assessment of marine litter and plastic pollution*).

In 2022, the City of Chicago and the Village of River Forest adopted ordinances that require most food establishments to provide single-use plastic foodware only upon customer request. The Village's Environment & Energy Commission (EEC) subsequently voted to recommend a similar ordinance for Oak Park. The State of Illinois legislature is currently considering a state-wide ban on polystyrene products in food establishments.

In August 2022, Staff established a partnership with the Illinois Green Business Program (IGBA) and the University of Illinois Smart Energy Design Assistance Center (SEDAC), to conduct a grant-funded pilot program to help diverse, local small businesses in Oak Park to identify cost-saving opportunities that take action on climate change. Each participating business received a professional assessment and customized sustainable business plan, including reductions in energy, water, and waste. Results will be reported in Summer 2023. After the pilot concludes, IGBA will continue to provide a no-cost helpline to assist local small businesses transition to more sustainable practices, including any new ordinances adopted by the Village.

In October 2022, Staff presented the EEC recommendation to the Business Advisory Council (BAC) and the Village Board of Trustees, and received input. The BAC was amendable to the foodware ordinance. The Board generally agreed with the EEC recommendation and asked that a prohibition on polystyrene be added. The Board also discussed whether plastic bags should be phased out at restaurants in favor of a more sustainable material.

From November 2022 through January 2023, Staff facilitated three Single-Use Plastic Policy Design workshops that led community members through a collaborative design-thinking process. Workshop activities included policy and case study literature review; interviews and surveys with local restaurant owners, disability community members, and waste reduction experts; sharing findings and identifying potential impacts; vetting proposed ordinance provisions; and brainstorming concepts for supportive programming. The group was comprised of two Village Sustainability staff, one Village Environment and Energy commissioner, one Village Disability Access commissioner, two local restaurant owners who are active in the Village Business Association Council and OPRF Chamber of Commerce, one representative of a local civic organization, and one representative from the disability community.

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. The BAC recommended technical assistance regarding the polystyrene phase-out. The EEC recommended moving the polystyrene elimination date from 2025 to an earlier date of 2024; this has been reflected in the attached ordinance.

Staff also launched a survey on Engage Oak Park, with questions tailored for community members, restaurant owners, and large retail store owners, and distributed the survey through Village channels and in partnership with the Chamber of Commerce. Staff also notified each restaurant via email and mail concerning opportunities for input via the public EEC meeting and the community and business survey.

The attached ordinance language is reflective of the outcomes of the policy design workshops, input from BAC and EEC meetings, and results of the community and business survey questions. The proposed ordinance aligns with Climate Ready Oak Park action PP01:

*Adopt an ordinance to remove all non-medical, single-use plastics and polystyrene foam products from circulation by 2030 in all restaurants and retail establishments, with the exception of single-use plastic straws, and based upon the availability and affordability of alternatives.*

As a future policy discussion matter, staff requests further direction from the Trustees regarding plastic bags

for restaurants, retail stores larger than 5,000 square feet (the current ordinance threshold), farmers markets (currently exempt from the current ordinance), and retail stores smaller than 5,000 square feet. Staff also seeks Village direction on exempting LINK/WIC customers from the bag fee and on the price of the bag fee (currently 10 cents per bag).

### **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.

### **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)

#### **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 1<sup>st</sup>, 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**

Following the adoption of the Single-Use Plastic Ordinance by the Village Board, direct Staff to collaborate with community partners to implement supportive programs.

**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.