Assembly Bill 1276: Reduce Unnecessary Food Accessories

SUMMARY

AB 1276 will build on California’s existing efforts to combat waste from single-use items. Providing food and beverage accessories only upon request to customers will significantly reduce unnecessary waste and save businesses and local governments money.

BACKGROUND AND PROBLEM

Every year in the United States, an estimated 561 billion disposable foodware items are used, resulting in a whopping 4.9 million tons of waste.1 Unused food accessories including utensils, straws, napkins, condiment packages, and otherwise clog landfills, complicate recycling, and pollute streets and waterways in our communities.

The COVID-19 pandemic has increased takeout and food delivery, which restaurants are relying upon to stay afloat. The use of disposable food accessories has contributed to a 250-300% increase in single-use plastics and a 30% increase in waste.2 Currently, many food facilities and food delivery services provide single-use food and beverage accessories regardless of whether or not they are needed. Most customers do not want them or have reusable items at home and/or in their workplaces; as a result, these accessories are usually discarded without being used.

Furthermore, global health experts and U.S. health officials agree that there's no evidence that COVID-19 can spread through food or food packaging.3

Restaurants in the U.S. spend $19 billion purchasing disposable foodware items. California restaurants that have voluntarily made the transition to a combination of by request and reusable foodware have been proven to save between $3,000 and $21,000 per year4, while reducing waste and greenhouse gas emissions.

California’s local governments and taxpayers spend over $428 million annually in ongoing efforts to clean up and prevent litter in streets, storm drains, parks and waterways.5 Recyclers are now faced with a worsened crisis, as the vast majority of these non-recyclable single-use food accessories debase recycling systems and can contaminate many commercial compost facilities. This increases costs to collection, sorting, processing and disposal for cities and ratepayers.

Many of these food accessories are made of plastic, and the increasing surge in plastic use exacerbates health risks predominantly in communities of color and/or low-income communities. The production of plastic emits greenhouse gases and harms communities near oil refineries, plastic production facilities, and

1 Overbrook Foundation, "The Dirty Truth About Disposable Foodware" February 2020
2 The Economist, “Covid-19 has led to a pandemic of plastic pollution” June 23, 2020
3 United Press International, “FDA: No evidence COVID-10 spreads through food, food packaging” February 19, 2021
4 ReThink Disposable
5 NRDC, “The Annual Cost to California Communities of Reducing Litter That Pollutes Our Waterways” August 2013
landfills or incinerators. As such, steps must be taken to protect the public health of these communities.

**SOLUTION**

In order to address this issue, AB 1276 expands the plastic straws upon request law to include more single-use foodware accessories, other food facilities, and third-party delivery platforms. Specifically, this bill:

- Prohibits a food facility or third-party delivery platform from providing single-use foodware accessories unless requested by a consumer;

- Prohibits food facilities from bundling single-use foodware accessories.

- Provides food facilities the flexibility to offer single-use foodware accessories to drive-through consumers only.

- Allows food facilities located within public airports to offer single-use foodware accessories to consumers.

Source reduction is by far the most efficient and cost-effective way to protect resources and communities, and help California reach its waste diversion and climate goals. Reducing unnecessary food accessories is a simple solution and a win-win for reducing waste in the first place, saving businesses money, and relieving recyclers, composters and local governments from the complications and costs associated with it.

**SUPPORT**

Clean Seas Lobbying Coalition (Sponsor)  
The 5 Gyres Institute  
The Center for Oceanic Awareness, Research and Education (COARE)  
Heal the Bay  

Northern California Recycling Association (NCRA)  
Plastic Oceans International  
Plastic Pollution Coalition  
Save Our Shores  
Seventh Generation Advisors  
UPSTREAM  
Wishtoyo Chumash Foundation  
Zero Waste USA  
Active San Gabriel Valley  
Agromin  
Alliance of Nurses for Healthy Environments  
American Refuse  
Audubon California  
Azul  
Ban SUP  
Breast Cancer Prevention Partners  
Burrrtec  
Cafe Aquatica  
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California Catholic Conference  
California Coastkeeper Alliance  
California Compost Coalition  
California Interfaith Power & Light  
California League of Conservation Voters  
California Product Stewardship Council  
California Reuse Collective  
Californians Against Waste  
CALPIRG  
Cal-Waste  
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Center for Environmental Health  
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Green Valley Community Farm
Greentown Los Altos
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Habits of Waste
Klean Kanteen
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Ponce’s Mexican Restaurant
RAISE High Road Restaurants
Race to Zero Waste
Rainbow Grocery Cooperative, Inc.
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