I. POLICY

The effects of single-use products and plastic bags have become globally recognized as having lasting negative impacts on the environment. These products can pollute waterways and natural lands, are difficult to collect and contain, take significant time to degrade, and are potentially harmful to wildlife. The Board of County Commissioners wishes to establish a single-use products and plastic bags policy to reduce the use of these products and encourage the use of reusable, recyclable, biodegradable, or compostable materials.

It is the policy of the Board of County Commissioners that neither single-use products nor plastic bags may be sold or disbursed on County property by staff or contracted vendors except as set forth in this Administrative Regulation.

II. PROCEDURES

A. Definitions.

1. "Biodegradable materials" are manufactured products made entirely of natural materials, such as paper or plant fibers, that will undergo a natural process of deterioration.

2. "Compostable materials" are manufactured products made from uncoated paper, wood, or vegetable-derived plastics.

3. "Contract" is a written agreement between the County and a contracted vendor.

4. "Contracted vendor" is a product vendor, concessionaire, or lessee of the County.

5. "County property" includes land or facilities owned, operated, managed, or leased by the County.
6. "Plastic" is a human-made synthetic material commonly produced from petroleum and derived from carbon and other elements.

7. "Plastic bags" are bags made of flexible plastic that are not biodegradable provided at the point of sale or distribution.

8. "Plastic stirrers" are plastic tubes or sticks used for mixing a beverage in its container.

9. "Plastic straws" are plastic tubes that are non-biodegradable and are intended for transferring a beverage from its container to the mouth of the drinker.

10. "Polystyrene foam" is a synthetic polymer made from the styrene monomer, commonly known by the name brand Styrofoam®.

11. "Polystyrene foam products" include containers, plates, bowls, cups, and trays.

12. "Recyclable materials" are raw or processed materials that can be recovered or diverted from a non-hazardous waste stream to be reused or repurposed into another item, which may otherwise be produced using raw or virgin materials.

13. "Reusable materials" are manufactured products that are durable and washable, can be used multiple times, and are not typically discarded.

14. "Single-use products" are defined here as polystyrene foam products, plastic straws, and plastic stirrers.

B. General Guidelines

1. Neither single-use products nor plastic bags may be sold or disbursed on County property by County staff or contracted vendors unless authorized by the County Administrator, a Deputy County Administrator, or a Department Director. The use of reusable, recyclable, biodegradable, or compostable materials is encouraged.

2. County departments and divisions purchasing products intended for one-time use and then disposed of in waste streams must follow the product specifications approved by the Chief Sustainability & Resilience Officer. The County will provide a list of product specifications upon request for use in issuing Invitations for Bid and Requests for Proposal.
3. At the time of contract renewal or amendment, all contracts must incorporate this Administrative Regulation by reference and provide notice of this Administrative Regulation to the contracted vendor as applicable.

4. Following contract renewal, if a contracted vendor fails to comply with this Administrative Regulation, the County may terminate the contract or pursue other appropriate contractual remedies set forth in the contract, or both. Additionally, the County may use past non-compliance by a contracted vendor as grounds for precluding the contracted vendor from future County contracts.

C. County Departments

All County departments and divisions will work cooperatively to further the purpose of this policy and will comply with this Administrative Regulation as of the applicable effective date set forth below.

D. Exemptions

1. The following are exempt from this Administrative Regulation:
   a. single-use products disbursed in compliance with the Americans with Disabilities Act (ADA);
   b. pre-packaged food that was filled and sealed prior to receipt by a contracted vendor or permittee; and
   c. packaging of unwrapped raw meat, poultry, and seafood.

2. To allow appropriate time to modify business practices and offer educational materials to facilitate compliance, the following are exempt until January 1, 2021 unless sooner revoked by the County Administrator:
   a. polystyrene foam products purchased by County Corrections for meals within isolation units;
   b. plastic bags purchased by County Corrections for staff take-out meals;
   c. polystyrene foam products purchased at Great Oaks Village for the hand transport of hot food by children;
d. pre-packaged meals provided by an outside source and disbursed as part of a Head Start program, including as part of a grant award; and

e. pre-packaged meals provided by an outside source and disbursed as part of a Parks & Recreation program.

E. State of Emergency

This Administrative Regulation will not apply during a state of local emergency declared pursuant to Chapter 2, Article IX, of the Orange County Code.

F. Effective Dates

This Administrative Regulation is effective as of April 21, 2020 for all new or renewed County contracts and County purchases. County staff may continue to use and disburse single-use products and plastic bags purchased prior to the effective date.

FOR MORE INFORMATION CONTACT: County Administration – Chief Sustainability & Resilience Officer

REFERENCE: None