Bill No. 32-20
Concerning: Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws - Requirements
Revised: _____ Draft No. 1
Introduced: July 21, 2020
Expires: January 21, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch._____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

(1) establish a program for waste reduction/source reduction in Montgomery County;
(2) provide criteria for waste reduction/source reduction initiatives and programs;
(3) set forth the method by which the program is established;
(4) prohibit the distribution of single-use straws except in certain circumstances; and
(5) provide for education relating to straws.

By adding
Montgomery County Code
Chapter 48, Solid Waste (Trash)
Article VII, Waste Reduction/Source Reduction
Sections 48-59, 48-60, 48-61, and 48-62

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Article VII (Sections 48-59, 48-60, 48-61, and 48-62) of Chapter 48 is added as follows:

ARTICLE VII. WASTE REDUCTION/SOURCE REDUCTION

48-59. Definition.

In this Article, food service business means a full-service restaurant, limited-service restaurant, fast food restaurant, café, delicatessen, coffee shop, supermarket, grocery store, vending truck or cart, food truck, business or institutional cafeteria, including those operated by or on behalf of County departments and agencies, and other business selling or providing food within the County for consumption on or off the premises.

48-60. Waste reduction/source reduction program.

(a) The County Executive must develop an ongoing waste reduction program.

(b) Under the waste reduction program, the County must:

(1) continue the goals and objectives established in the County waste reduction hierarchy and policies;

(2) organize a program of activities to reduce waste; and

(3) search for opportunities to incorporate waste reduction into ongoing and future efforts.

48-61. Regulations.

(a) The County Executive may adopt regulations to implement this Article under Method (1).

(b) The regulations may:

(1) prohibit the use, distribution, or sale of certain products or materials to reduce the amount of waste generated; and

(2) require the use of environmentally preferable products or materials instead of conventional alternatives. The basis of determining

prohibitions on use, sale, and requirements for environmentally preferable alternatives may include:

(A) evaluation of the amount of the product or material present in the waste stream;

(B) analysis of the detrimental impacts on the environment of the product or material; and

(C) establishment that alternative products or materials exist that cause less environmental impact, are affordable, are comparable in function, and capable of fulfilling the same needs as other conventional products or materials.

48-62. Source reduction of specific materials - Straws.

(a) A food service business must post information that plastic straws will no longer be provided to a customer, except where necessary to accommodate a medical or disability-related need of that customer.

(b) Except as provided in subsection (c), a food service business must not provide a plastic straw to a customer. Straws provided to customers must be reusable or compostable. Reusable or compostable straws include straws made of paper, polylactic acid (PLA), bamboo, silicone, or stainless steel.

(c) Upon request, a food service business must provide a plastic straw to a customer where it is necessary to accommodate a medical or disability-related need of that customer.

Sec. 2. Effective Date.

Sections 48-59, 48-60, and 48-61 take effect 91 days after this Act becomes law. Section 48-62 takes effect 12 months after this Act becomes law.

LEGISLATIVE REQUEST REPORT

Bill 32-20
Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws – Requirements

DESCRIPTION:	Bill 32-20 would Amend Chapter 48 to enable the County Executive to establish waste reduction/source reduction mandates through establishment of Executive Regulations; and to prohibit the use and distribution of single-use plastic straws.
PROBLEM:	Enabling legislation will allow waste reduction requirements to be established through the adoption of Executive Regulations. Single-use plastic straws are not recyclable in Montgomery County. They are not biodegradable and often end up as litter in local streams and waterways.
GOALS AND OBJECTIVES:	To give the County Executive the authority to implement regulations to reduce the amount of waste generated in the County; and to reduce waste and litter by restricting the use of single-use plastic straws and promoting the use of reusable or compostable straws.
COORDINATION:	Office of the County Attorney, Office of Procurement, Office of Management and Budget, Office of Finance, Department of Health and Human Services
FISCAL IMPACT:	Department of Finance.
ECONOMIC IMPACT:	OLO
EVALUATION:	To be researched.
EXPERIENCE ELSEWHERE:	DC and a number of jurisdictions across the US have adopted restrictions on single-use straws.
SOURCE OF INFORMATION:	Adam Ortiz, Director, Department of Environmental Protection, 240-777-7781
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	Class B

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Fiscal Impact Statement
Bill XX-XX – Solid Waste (Trash) – Reduction/Source Reduction; Single-Use Straws – Requirements

1. **Legislative Summary:**
   This legislation establishes a program for waste reduction/source reduction by requiring the County Executive to develop an ongoing waste reduction program through executive regulation that implements initiatives to meet the goals and objectives established by the County's waste reduction hierarchy and policies. It also allows the County Executive to pursue future waste reduction initiatives through the prohibition on the use or sale of non-sustainable materials or products, or through the required use of environmentally preferable products or materials.

   In addition, this legislation bans the distribution of single-use plastic straws by a food service business to customers except upon request. Further, it requires any straws that are distributed by a food service business to be reusable or compostable. There is an exemption to this requirement for situations where a plastic straw is required to accommodate a customer's medical or disability-related needs.

2. **An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

   Revenues:
   DEP estimates that the bill will generate minimal revenues from issuance of citations against violators. Violation of the bill is a Class B violation, with fines of $100 for initial offense and $150 for each repeat offense, which may be levied each day that the repeat offense persists.

   Expenditures:
   Outreach/Education:
   The bill does not delineate required expenditures or mandate an outreach campaign to affected businesses. However, the implementation of a plastic straws ban requires:
   - an initial outreach campaign to educate food service businesses about the new requirements,
   - official notification letters mailed to all food service businesses,
   - development and distribution of education materials and efforts for food service businesses and for general public, and
   - design, printing, and distribution of placards for food service businesses to display explaining the new requirements on straws.
   -

   DEP estimates initial one-time implementation costs of $160,000. This figure is based upon a similar effort outreach campaign following implementation of Council Bill 41-14, banning the use of expanded polystyrene (Styrofoam) products in the County.

   Continued ongoing education efforts are estimated to cost $25,000 annually.

   The waste reduction program codified by the legislation can be undertaken by existing staff.

Enforcement:
Even on a complaint-driven basis, investigation to determine whether a compliance issue exists, and gather evidence of violation of law requires staff resources.
This legislation is introduced alongside Bill XX-XX Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements, and existing staff resources are inadequate to take on the additional effort of both bills. A new Investigator position will be required (Grade 21 Program Specialist II), further in the FIS for Bill XX-XX.

3. **Revenue and expenditure estimates covering at least the next 6 fiscal years.**
DEP estimates that any revenue generated under Bill XX-XX would be minimal.
The initial straw ban outreach campaign is estimated to cost $160,000 in FY21 and $25,000 per year in FY22-26.

	FY21	FY22	FY23	FY24	FY25	FY26
Outreach & Education	$160,000	$25,000	$25,000	$25,000	$25,000	$25,000

4. **An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**
Not applicable.

5. **An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**
Not applicable.

6. **Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**
Not applicable.

7. **An estimate of the staff time needed to implement the bill.**
DEP estimates that 500 staff hours could be required for the initial outreach and education effort in the implementation phase and that an additional 100 hours per year could be required for the ongoing outreach and education campaign. These education efforts may be absorbed by existing staff resources.

For enforcement, estimated staff hours based on 150 complaints/year would be 450 hours per fiscal year. A position for enforcement is discussed further in the FIS for Bill XX-XX Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements.

8. **An explanation of how the addition of new staff responsibilities would affect other duties.**
This legislation adds new responsibilities to existing staff and can be absorbed with the addition of the new position discussed in the FIS for Bill XX-XX Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements.

9. **An estimate of costs when an additional appropriation is needed.**
See responses to #3 and #7 above.

10. A description of any variable that could affect revenue and cost estimates.
Compliance with this mandate is difficult to project, therefore the range of revenues cannot be reliably estimated; however, any revenues generated by the bill are expected to be minimal.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.
Compliance with this mandate is difficult to project, therefore the range of revenues cannot be reliably estimated; however, any revenues generated by the bill are expected to be minimal.

12. If a bill is likely to have no fiscal impact, why that is the case.
Not applicable

13. Other fiscal impacts or comments.
Not applicable

14. The following contributed to and concurred with this analysis:
Adam Ortiz, Department of Environmental Protection
Patrice Bubar, Department of Environmental Protection
Willie Wainer, Department of Environmental Protection
Eileen Kao, Department of Environmental Protection
Richard H. Harris, Office of Management and Budget

Richard Madaleno

Richard S. Madaleno, Director
Office of Management and Budget

7/7/20
Date

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

MEMORANDUM

March 27, 2020

TO: Sidney Katz, Council President
Montgomery County Council

FROM: Marc Elrich, County Executive

SUBJECT: Montgomery County Code Chapter 48, Solid Waste (Trash)
Waste Reduction/Source Reduction and Single Use Straws

This memorandum transmits the Department of Environmental Protection's (DEP) proposed legislation which would establish a program for waste reduction/source reduction under Montgomery County Code Chapter 48 and prohibit the use of single-use plastic straws under this program.

This legislation will require the County Executive to develop through executive regulation an ongoing waste reduction program that implements initiatives to meet the goals and objectives established by the County's waste reduction hierarchy and policies. This will allow the County Executive, through DEP, to pursue waste reduction initiatives through the prohibition on the use or sale of certain non-sustainable materials or products, or through the required use of environmentally preferable products or materials.

This legislation also will use this new waste reduction program to ban the distribution of single-use plastic straws by a food service business to customers except upon request. Further, this legislation requires any straws that are distributed by a food service business to be reusable or compostable. There is an exemption to this requirement for situations where a plastic straw is required to accommodate a customer's medical or disability-related needs.

Single-use plastic straws are not recyclable due to their small size and low weight. At recycling centers, they fall through sorting machinery and are very difficult to separate from the other materials. In addition, plastic straws are not biodegradable and persist in the environment for many, many years. Improperly disposed plastic straws can end up as beach litter, blow out of trashcans, or wash down storm drains ending up in our rivers, streams, and oceans. Due to their small size, fish and other aquatic animals can confuse these bits of plastic for food and ingest or choke on them. Further, plastics do not biodegrade but break down into

smaller pieces of microplastic that make its way into ground water; the human food supply; and sea mammals, fish, birds, and other wildlife.

By requiring a food service business to only provide straws upon request, a significant amount of single-use plastic straw waste potentially can be reduced. To replace banned single-use plastic straws when a straw is requested by a customer, we have researched and identified numerous viable reusable, recyclable, and compostable alternative products on the market today. These include durable reusable plastic, metal, bamboo, and silicone straws; different types of plant-based compostable products; and compostable paper straws.

If you have any questions, please contact Adam Ortiz, Director, Department of Environmental Protection, at 240-777-7781. Thank you for your attention to this matter.

Attachments:
Proposed Legislation
Legislative Request Report

cc: Adam Ortiz, Director
Patty Bubar, Deputy Director