

EXECUTIVE ORDER N-xx-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS California is in an existential climate emergency, amidst extreme heat waves, severe megadrought, and climate change-fueled wildfires, and is in the midst of a global COVID-19 pandemic; and

WHEREAS the COVID-19 pandemic and the necessary physical distancing measures implemented have significantly impacted many businesses, leading to business closures, loss of employee hours or wages, and layoffs; and

WHEREAS the food service industry has been among the hardest hit by the COVID-19 pandemic; and

WHEREAS an estimated 61% of restaurants in the United States have closed permanently due to challenges presented by shelter in place orders and social distancing requirements; and

WHEREAS food delivery and restaurant take out orders have increased substantially during the COVID-19 pandemic and associated limitations; and

WHEREAS the COVID-19 pandemic has increased the use of single-use items and increased reliance on food delivery and takeout; and

WHEREAS the waste of single-use foodware and accessory items has skyrocketed; and

WHEREAS food delivery processes typically default to include unnecessary single-use plastic utensils, napkins, condiments, dishware, or straws; and

WHEREAS many customers are dining in home and have their own reusable utensils, napkins, straws, stirrers, and condiments, and do not need or want these unnecessary products; and

WHEREAS single-use cutlery and dishware provides no added safety benefits over properly washed reusable cutlery and dishware; and

WHEREAS providing accessory foodware only upon request by the customer reduces waste and saves businesses money; and

WHEREAS it is now estimated that 8.75 million metric tons of plastic enter our ocean each year from land-based sources, with a great majority of that waste generated in the consumption of food and beverages; and

WHEREAS in the United States, 561 billion disposable foodware items are used each year, resulting in 4.9 million tons of waste, including 36 billion disposable utensils, which if laid end to end could wrap around the globe 139 times; and

WHEREAS California is disproportionately the biggest exporter of plastic waste in the United States, which is the largest exporter of plastic waste worldwide; and

WHEREAS reducing the use of single-use plastic foodware is a step towards addressing the global plastic pollution problem, which endangers the environment and human health at every stage of the plastic lifecycle; and

WHEREAS California's lower-income communities suffer disproportionately the burdens posed by single-use plastic production, waste pollution, and exposure to pollution from freeways, oil rigs, waste incinerators, and other oil and gas infrastructure, with significantly lower life expectancy as well as higher rates of asthma, cancer, causing pre-existing complications to COVID-19 exposure and other diseases, and further steps must be taken to protect the public health of these communities; and

WHEREAS California remains at the forefront of environmental policy, California can lead the nation and the world, by strengthening its plastic reduction efforts in our times of crisis building on its innovative and trend-setting economic, technological, ecological, and diverse human community attributes, to lead the nation and the world towards a more sustainable, equitable, and vibrant climate-safe future;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. Restaurants, caterers, and food delivery systems within the State of California refrain from including single-use dishware, utensils, napkins, condiments, straws, or other foodware accessories when preparing or packaging food to-go or for delivery
2. Such items shall only be provided when specifically requested by the customer, and only those items specifically requested may be included.
3. Third party food delivery companies and other online platforms for ordering prepared meals must provide an opportunity for customers to "opt-in" for specific foodware accessories and condiments across all digital platforms and applications.
4. This Order shall remain in effect until this Order is modified or rescinded.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.