

Bill de Blasio
Mayor

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TO: Mayor Bill de Blasio
FROM: The Mayor's Office of Contract Services
DATE: January 15, 2021
SUBJECT: Executive Order 42 of 2019 Single Use Plastic Foodware Reduction Plan Agency Compliance Report

BACKGROUND

Pursuant to Executive Order 42, each City agency, on or before January 1, 2020, and on or before January 1 of each year thereafter until the Mayor's Office of Contract Services ("MOCS") determines that full compliance has been reached by the agency, shall make a written report on the progress of its implementation plan and the agency's compliance with the Executive Order.

EXECUTIVE ORDER 42 OVERVIEW

Executive Order 42, effective April 11, 2019, was enacted to eliminate the use of City funds for the unnecessary purchase of single-use plastic foodware, including, but not limited to, forks, spoons, knives, and straws. The purpose of this executive order is to limit plastic waste and support both the City's Zero Waste goals and carbon reductions. The elimination of use of City funds for the unnecessary purchase of single-use plastics will allow the City to send less waste to landfills and cut emissions associated with the production and transport of single-use plastics.

Pursuant to the Executive Order, all city agencies, the Department of Education and NYC Health + Hospitals were required to develop, submit and implement a plan to eliminate the expenditure of City funds for the direct purchase of unnecessary single-use plastic foodware in favor of reusable, compostable, or recyclable alternatives determined eligible by the City. Agencies were required to submit their plans to the Mayor's Office of Sustainability and the Mayor's Office of Contract Services.

The plan shall include, but not limited to, the following:

- (a) A description of the current uses of disposable foodware in the City Agency, if any;
- (b) A description of the specific projects, programs, actions, and policies to be undertaken to achieve compliance with this Executive Order;
- (c) A description of steps the agency will take to limit new contractual commitments to purchase single-use plastic foodware; and
- (d) A description of the accommodations for necessary uses.

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Necessary uses of disposable plastic foodware are permitted in the following circumstances:

- (a) When no other alternative is available or practicable;
- (b) When necessary to address health requirements and emergencies;
- (c) When compliance with this Order would conflict with contract requirements in existence as of the effective date of this Order; and
- (d) When an individual or someone acting on behalf of the individual specifically requests a single-use plastic straw or other piece of single-use plastic foodware.

As stated previously, each City agency, on or before January 1, 2020 and on or before January 1 of each year thereafter until the Mayor's Office of Contract Services determines that full compliance has been reached by the agency, shall make a written report on the progress of its implementation plan and the agency's compliance with this Executive Order.

AGENCY COMPLIANCE

MOCS has received compliance reports from forty-two agencies. Thirty-six agencies reported being in compliance with their Executive Order 42 implementation plans.

The COVID-19 pandemic impacted the implementation of a number of agencies' single-use plastic reduction plans and purchases. Many agencies, including the Department of Investigation, Department of Cultural Affairs, Department of Sanitation, Department of Finance, Department of Citywide Administrative Services, and the Mayor's Office of Criminal Justice are continuing to work to come into compliance with the Executive Order.

Pursuant to Executive Order, certain agencies have claimed an exemption for plastic foodware purchases made in Fiscal Year 2020, including: (1) purchasing plastic foodware due to no other available or practicable alternative; (2) necessary purchases to address health requirements and emergencies; and (3) purchasing a stock of plastic straws to have available when an individual or someone acting on behalf of the individual specifically requests a single-use plastic straw or other piece of single-use plastic foodware for accessibility purposes. Agencies that have requested and received an approved exemption by the Mayor's Office of Sustainability include the Administration of Children's Services, Department of Education, Department of Cultural Affairs, NYC Health + Hospitals, and NYC Emergency Management (formerly the Office of Emergency Management.)