A RESOLUTION REPEALING AND REPLACING RESOLUTION No. 19-0322
ELIMINATING THE USE OF SINGLE-USE PLASTIC PRODUCTS IN FULTON
COUNTY OWNED, OPERATED, AND LEASED BUILDINGS AND FACILITIES; AND
FOR OTHER PURPOSES.

WHEREAS, on April 17, 2019, the Board of Commissioners voted to approve
Resolution No. 19-0322 to eliminate the use of single-use plastic products in Fulton
County owned, operated, and leased buildings and facilities; and for other purposes;
and

WHEREAS, on May 1, 2019, pursuant to Agenda Item #19-0360, the Board of
Commissioners voted to suspend the implementation of Resolution No. 19-0322, to
further discuss its impact on local businesses; and

WHEREAS, local businesses were consulted and their concerns considered, and
the resulting amendments are incorporated herein; and

WHEREAS, the Board of Commissioners desires to repeal Resolution No. 19-
0322 in its entirety and replace it with the following:

WHEREAS, according to the Earth Day Network, Americans use more than 100
billion plastic shopping bags and 25 billion expanded polystyrene (EPS”) cups every
year, in addition to 500 million plastic straws every day; and

WHEREAS, while Fulton County Government encourages recycling and is
expanding the County’s recycling program, the United Nations white paper entitled
“Single-Use Plastics A Roadmap for Sustainability” found that most single-use plastics
around the world, such as to-go food containers and cutlery, drinking straws, and plastic
bags, are rarely recycled and are instead discarded into solid waste, landfill, and litter;
and
WHEREAS, for the purposes of this Resolution, “single-use plastics” shall be defined as disposable plastics, typically used once before they are discarded, to include plastic bags, straws, coffee stirrers, cups, and utensils and most plastic food packaging; and

WHEREAS, additional items defined as single-use plastics shall be listed and updated on Fulton County’s webpage periodically by the Fulton County Energy and Sustainability Manager, in consultation with the Chief Financial Officer, after approval by the County Manager; and

WHEREAS, the research of Dr. Anne Marie Mahon at the Galway-Mayo Institute of Technology indicates that the presence of such particulate plastic, especially nano-plastics, in the ecosystem may cause harm to humans by way of consumption and collateral environmental effects; and

WHEREAS, having collected and recycled over 500 tons of materials from over 107 Fulton County locations in 2018, the Department of Real Estate and Asset Management has implemented a robust single-stream recycling program throughout the operations of Fulton County Government; and

WHEREAS, to the extent that plastic bottles from vending machines or other outside sources are capable of being recycled, the Department of Real Estate and Asset Management will continue to expand and improve its recycling program, composting program, and other methods of waste diversion; and

WHEREAS, the Department of Public Works has found that where single-use plastic items are used and are not recycled, such items may enter the County’s waterways and wastewater systems, thereby contributing to blockages which are
expensive to remEDIATE; AND

WHEREAS, these adverse impacts have led cities, states, and countries around the world to ban single-use plastics, and numerous local governments in the United States have either adopted or considered legislation designed to ban or otherwise restrict single-use plastics in their jurisdictions (e.g., California, Hawaii, and Montreal (Canada) have banned lightweight plastic bags, New York City has banned single-use EPS products, and Costa Rica aims to become the first country in the world to eliminate single-use plastics by 2021); AND

WHEREAS, pursuant to Art. 9, § 2, ¶ I of the Georgia Constitution, the Board of Commissioners has legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto for the protections of its citizens; AND

WHEREAS, the Board of Commissioners recognizes that many jurisdictions have successfully implemented legislation to regulate and reduce the distribution of single-use plastic items which has led to the development and market availability of many viable alternatives to single-use plastics, such as those which are reusable or made from recyclable or compostable materials; AND

WHEREAS, the Board of Commissioners finds that reducing the use of single-use plastic products in Fulton County owned, operated, and leased buildings and facilities, where viable alternative or reusable products are available, and increasing the recycling of single-use plastics, will reduce the amount of total plastic that will end up in
Fulton County storm drains and waterways through littering and the circulation of windblown debris; and

WHEREAS, to the extent not in conflict with the Americans with Disabilities Act ("ADA"), where viable alternative products are available, the Board of Commissioners desires that all Fulton County departments phase out, the use of single-use plastics by incrementally substituting such alternative products with viable alternatives; and

WHEREAS, in cases where plastics may be used, such plastics deemed acceptable shall be defined as either certified compostable, 100% recyclable, or created using post-consumer (recycled) material; and

WHEREAS, the list, as developed by the Fulton County Energy and Sustainability Manager, in consultation with the Fulton County Citizens Commission on the Environment, shall be reviewed and revised to incorporate those items considered by the industry as “single-use plastics” over time; and

WHEREAS, the Board of Commissioners finds that it will be in the best interest of the health, safety, and welfare of the citizens of Fulton County for the municipalities located within Fulton County, to adopt policies, ordinances, and legislation to reduce the distribution of single-use plastics throughout Fulton County, Georgia.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners hereby directs all Fulton County departments to immediately begin to phase-out the use of single-use plastics by incrementally substituting such products with viable alternatives where possible, or recycling plastics for which feasible alternatives are unavailable, with the aim of fully implementing the aforementioned directives, within Fulton County owned, operated, and leased buildings and facilities, by January 1, 2020.
BE IT FURTHER RESOLVED, that the Board of Commissioners hereby directs the Fulton County Energy and Sustainability Manager, in consultation with the Chief Financial Officer and the Fulton County Citizens Commission on the Environment, to develop and maintain a list of “single-use plastics” on the Fulton County webpage, after approval by the County Manager, which shall incorporate those items considered by the industry from time-to-time as “single-use plastics.”

BE IT FURTHER RESOLVED, that the Board of Commissioners hereby directs the Department of Purchasing and Contract Compliance to include language in all subsequent procurement specifications requiring that, where viable alternatives to single-use plastics are available, that such alternatives shall be used by prospective vendors in the performance of their contractual obligations to Fulton County.

BE IT FURTHER RESOLVED, that efforts shall be made to ensure that the directives of the Board of Commissioners set forth within this Resolution shall not be in conflict with any restrictions provided for by the Americans with Disabilities Act (“ADA”).

BE IT FURTHER RESOLVED, that the Board of Commissioners hereby urges municipalities located within Fulton County, Georgia, to adopt policies, ordinances, and legislation with the objective and effect of reducing the distribution of single-use plastics throughout Fulton County, Georgia.

BE IT FURTHER RESOLVED, that the Clerk to the Commission is directed to provide a copy of this Resolution to each municipality located within Fulton County, Georgia, with the expectation that adoption of this Resolution will increase awareness in the community of daily decisions that consumers may make to reduce solid waste and the risk of plastics entering the waste stream, storm drains, or local waterways.
BE IT FURTHER RESOLVED, that this Resolution repeals and replaces in its entirety Resolution No. 19-0322, approved by the Board of Commissioners on April 17, 2019.

BE IT FINALLY RESOLVED, that this Resolution shall become effective upon its adoption, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia, this __________day of ____________________, 2019.

FULTON COUNTY BOARD OF COMMISSIONERS

SPONSORED BY:

________________________________________
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

________________________________________
Jesse A. Harris,
Clerk to the Commission

APPROVED AS TO FORM:

________________________________________
Patrise Perkins-Hooker, County Attorney
Amend lines 10-12 on page 4; and lines 1-5 on page 5 to reflect the following changes:

- **pp. 4, ins 10-12:**

  Current language: WHEREAS, the list, as developed by the Fulton County Energy and Sustainability Manager, shall be reviewed and revised to incorporate those items considered by the industry as “single-use plastics” over time; and

  Proposed amendment: “WHEREAS, the list, as developed by the Fulton County Energy and Sustainability Manager in consultation with the Fulton County Citizens Commission on the Environment, shall be reviewed and revised to incorporate those items considered by the industry as “single-use plastics” over time; and

- **pp. 5, ins 1-5:**

  Current language: “BE IT FURTHER RESOLVED, that the Board of Commissioners hereby directs the Fulton County Energy and Sustainability Manager, in consultation with the Chief Financial Officer, to develop and maintain a list of “single-use plastics” on the Fulton County webpage, after approval by the County Manager, which shall incorporate those items considered by the industry from time-to-time as “single-use plastics.”

  Proposed amendment: “BE IT FURTHER RESOLVED, that the Board of Commissioners hereby directs the Fulton County Energy and Sustainability Manager, in consultation with the Chief Financial Officer and the Fulton County Citizens Commission on the Environment, to develop and maintain a list of “single-use plastics” on the Fulton County webpage, after approval by the County Manager, which shall incorporate those items considered by the industry from time-to-time as “single-use plastics.”