

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

5
6 **WHEREAS**, on April 17, 2019, the Board of Commissioners voted to approve
7 Resolution No. 19-0322 to eliminate the use of single-use plastic products in Fulton
8 County owned, operated, and leased buildings and facilities; and for other purposes;
9 and

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

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

15 **WHEREAS**, the Board of Commissioners desires to repeal Resolution No. 19-
16 0322 in its entirety and replace it with the following:

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

20 **WHEREAS**, while Fulton County Government encourages recycling and is
21 expanding the County's recycling program, the United Nations white paper entitled
22 "Single-Use Plastics A Roadmap for Sustainability" found that most single-use plastics
23 around the world, such as to-go food containers and cutlery, drinking straws, and plastic
24 bags, are rarely recycled and are instead discarded into solid waste, landfill, and litter;
25 and

1 **WHEREAS**, for the purposes of this Resolution, “single-use plastics” shall be
2 defined as disposable plastics, typically used once before they are discarded, to include
3 plastic bags, straws, coffee stirrers, cups, and utensils and most plastic food packaging;
4 and

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

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

13 **WHEREAS**, having collected and recycled over 500 tons of materials from over
14 107 Fulton County locations in 2018, the Department of Real Estate and Asset
15 Management has implemented a robust single-stream recycling program throughout the
16 operations of Fulton County Government; and

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

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

1 expensive to remediate; and

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

9 **WHEREAS**, pursuant to Art. 9, § 2, ¶ 1 of the Georgia Constitution, the Board of
10 Commissioners has legislative power to adopt clearly reasonable ordinances,
11 resolutions, or regulations relating to its property, affairs, and local government for
12 which no provision has been made by general law and which is not inconsistent with
13 this Constitution or any local law applicable thereto for the protections of its citizens; and

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

19 **WHEREAS**, the Board of Commissioners finds that reducing the use of single-
20 use plastic products in Fulton County owned, operated, and leased buildings and
21 facilities, where viable alternative or reusable products are available, and increasing the
22 recycling of single-use plastics, will reduce the amount of total plastic that will end up in

1 Fulton County storm drains and waterways through littering and the circulation of
2 windblown debris; and

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

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

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

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

18 **NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners hereby
19 directs all Fulton County departments to immediately begin to phase-out the use of
20 single-use plastics by incrementally substituting such products with viable alternatives
21 where possible, or recycling plastics for which feasible alternatives are unavailable, with
22 the aim of fully implementing the aforementioned directives, within Fulton County
23 owned, operated, and leased buildings and facilities, by January 1, 2020.

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

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

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

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

19 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission is directed to
20 provide a copy of this Resolution to each municipality located within Fulton County,
21 Georgia, with the expectation that adoption of this Resolution will increase awareness in
22 the community of daily decisions that consumers may make to reduce solid waste and
23 the risk of plastics entering the waste stream, storm drains, or local waterways.

1 **BE IT FURTHER RESOLVED**, that this Resolution repeals and replaces in its
2 entirety Resolution No. 19-0322, approved by the Board of Commissioners on April 17,
3 2019.

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

7 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
8 Georgia, this _____ day of _____, 2019.

9 **FULTON COUNTY BOARD OF**
10 **COMMISSIONERS**

11 SPONSORED BY:

12 _____
13 Robert L. Pitts, Chairman
14 Fulton County Board of Commissioners

15 ATTEST:

16 _____
17 Jesse A. Harris,
18 Clerk to the Commission

19 APPROVED AS TO FORM:

20 _____
21 Patrise Perkins-Hooker, County Attorney

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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.”