

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 styrofoam cups every year, in addition to 500
19 million plastic straws every day; and

20 **WHEREAS**, the United Nations white paper entitled “Single-Use Plastics A
21 Roadmap for Sustainability” found that while certain plastics can be recycled, the vast
22 majority of single-use plastics, such as to-go food containers and cutlery, drinking
23 straws, and plastic bags, are rarely recycled and are instead discarded into solid waste,
24 landfill, and litter; and

25 **WHEREAS**, for the purposes of this Resolution, “single-use plastics” shall be
26 defined as disposable plastics, typically used once before they are discarded, to include

1 plastic bags, straws, coffee stirrers, cups, and utensils and most plastic food packaging;
2 and

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

7 **WHEREAS**, Dr. Jenna Jambeck, of the University of Georgia, writes in her April
8 2018 paper for the Smithsonian Institution that single-use plastic items often end up in
9 waterways and in the ocean, where they will remain in most cases for hundreds of years
10 or break down into smaller, microscopic pieces where they are ingested by marine life;
11 and

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

16 **WHEREAS**, having collected and recycled over 500 tons of materials from over
17 107 Fulton County locations in 2018, the Department of Real Estate and Asset
18 Management has implemented a robust single-stream recycling program throughout the
19 operations of Fulton County Government; and

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

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

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

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

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

22 **WHEREAS**, the Board of Commissioners finds that reducing the use of single-
23 use plastic products in Fulton County owned, operated, and leased buildings and

1 facilities, where viable alternative or reusable products are available, and increasing the
2 recycling of single-use plastics, will reduce the amount of total plastic that will end up in
3 Fulton County storm drains and waterways through littering and the circulation of
4 windblown debris; and

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

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

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

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

20 **NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners hereby
21 directs all Fulton County departments to immediately begin to phase-out the use of
22 single-use plastics by incrementally substituting such products with viable alternatives
23 where possible, or recycling plastics for which feasible alternatives are unavailable, with

1 the aim of fully implementing the aforementioned directives, within Fulton County
2 owned, operated, and leased buildings and facilities, by January 1, 2020.

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

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

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

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

20 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission is directed to
21 provide a copy of this Resolution to each municipality located within Fulton County,
22 Georgia, with the expectation that adoption of this Resolution will increase awareness in

1 the community of daily decisions that consumers may make to reduce solid waste and
2 the risk of plastics entering the waste stream, storm drains, or local waterways.

3 **BE IT FURTHER RESOLVED**, that this Resolution repeals and replaces in its
4 entirety Resolution No. 19-0322, approved by the Board of Commissioners on April 17,
5 2019.

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

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

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

SPONSORED BY:

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

Jesse A. Harris,
Clerk to the Commission

1 APPROVED AS TO FORM:

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7 Patrise Perkins-Hooker, County Attorney

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SPONSORED BY:

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

Jesse A. Harris,
Clerk to the Commission

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APPROVED AS TO FORM:

Patrise Perkins-Hooker, County Attorney

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