



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Interim Director, Oakland
Public Works

SUBJECT: Updates to Environmentally
Preferable Purchasing Policy

DATE: November 10, 2025

City Administrator Approval


Jestin Johnson (Nov 21, 2025 10:29:41 PST)

Date: Nov 21, 2025

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Updating The City Of Oakland's Environmentally Preferable Purchasing Policy To Align With The Short-Lived Climate Pollutants Act (SB 1383), The City's 2030 Equitable Climate Action Plan, And The City's Reusable Foodware Ordinance (Oakland Municipal Code 8.07) And Authorizing The City Administrator To Implement Such Policy And Approve Future Policy Updates.

EXECUTIVE SUMMARY

Originally adopted in 2007, the City's Environmentally Preferable Purchasing Policy (EP3) provides guidance and requirements to protect human and environmental health through the City's procurement. This proposed resolution seeks approval to update the EP3 to comply with the Short-Lived Climate Pollutants Act (SB 1383), the City's 2030 Equitable Climate Action Plan, and the City's Reusable Foodware Ordinance (Oakland Municipal Code 8.07). By aligning the EP3 to recent regulations, the EP3 can continue to safeguard public health based on the best available science on chemical toxicity and climate change while streamlining and maintaining internal consistency among City policies.

The proposed updates to the EP3 include:

- Removal
 - Compostable/bio plastics as an acceptable alternative product
- Additions
 - Restrictions on packaged water
 - Recycled paper content requirements
 - Ban on expanded polystyrene and Per- and Polyfluoroalkyl Substances (PFAS)
 - Requirements for reusable beverage cup system for City events with >500 attendees and provision for disposables by customer request
 - Prohibition of food serviceware (utensils, napkins, straws, etc.) bundling and only allowing bulk dispensers of individual food serviceware items and condiments
 - SB 1383 definitions of compost and mulch

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- Prohibitions on certain lighting technologies (incandescent, fluorescent, etc.)
- Green Fleet requirements and preference for electric vehicles
- Requirements for all major retrofits at City facilities to be all-electric

The resolution also seeks to grant the City Administrator authority to implement and approve future updates to the EP3, streamlining application of this policy.

BACKGROUND / LEGISLATIVE HISTORY

In July 2007, the Council adopted [Resolution No. 13672](#), establishing the Council in 2006). Since the EP3 was adopted, several environmental regulations and plans have been approved by Council, including local implementation of the Short-Lived Climate Pollutants Act (SB 1383),

[HYPERLINK "https://oakland.legistar.com/LegislationDetail.aspx?ID=5137153&GUID=91E031CB-350B-4FF0-8649-4C4E0F1B3326&Options=ID|Text|&Search=13672"](https://oakland.legistar.com/LegislationDetail.aspx?ID=5137153&GUID=91E031CB-350B-4FF0-8649-4C4E0F1B3326&Options=ID|Text|&Search=13672) Ordinance No. and [No. 13673 C.M.S.](#), the City's 2030 Equitable Climate Action Plan [Resolution No. 88267 C.M.S.](#), and the City's Reusable Foodware Ordinance [Resolution No. 13773 C.M.S.](#). Since its adoption in 2007, the EP3 has not been updated. [No. 13673 C.M.S.](#), the City's 2030 Equitable Climate Action Plan [Resolution No. 88267 C.M.S.](#), and the City's Reusable Foodware Ordinance [Resolution No. 13773 C.M.S.](#). Since its adoption in 2007, the EP3 has not been updated.

The current EP3 includes requirements from the following environmental policies:

1. 1994 Resolution No. 70814 C.M.S adopting the Recycled Content Procurement and Source Reduction Policy to require recycled content for City purchases.
2. 1997 Resolution No. 73968 C.M.S. adopting an Integrated Pest Management Plan to reduce pesticide use for City projects and maintenance
3. 1998 Resolution No. 74678 C.M.S. adopting the Sustainable Community Development Initiative to achieve greater energy efficiency and better climate protection
4. 1999 Resolution No. 74773 C.M.S. establishing a Regional Task Force and Policy on Dioxin, Public Health and the Environment to prevent dioxin pollution in all City operations
5. [2003 Resolution No. 77842 C.M.S.](#) establishing "Green Fleet" Policies and Procedures to reduce greenhouse gas emissions and improve air quality in the City of Oakland, and to increase the energy efficiency of the City's fleet.
6. [2005 Ordinance No. 12658 C.M.S.](#) establishing Green Building (E.G. Sustainable Site Development, Water Savings, Energy Efficiency, Materials Selection, and Indoor Environmental Quality) Requirements for Certain City Projects
7. [2006 Resolution No. 79775 C.M.S.](#) Adopting Waste Reduction and Recycling Strategic Plan to achieve a 75% solid waste diversion goal by 2010.
8. [2006 Resolution No. 79774 C.M.S.](#) Adopting a Zero Waste goal by the year 2020 and directing staff to develop a Zero Waste Strategic Plan.
9. [2006 Ordinance No. 12747 C.M.S.](#) To Prohibit the Use of Polystyrene Foam Disposable Food Service Ware and Require the Use of Biodegradable or Compostable Disposable Food Service Ware by Food Vendors and City Facilities to reduce the amount of single-use plastics and promote better recyclable materials
10. [2007 Resolution No. 80390 C.M.S.](#) supporting State and Local legislation to hold manufacturers and producers responsible for the management of post-consumer waste products.

ANALYSIS AND POLICY ALTERNATIVES

Updating the EP3 to align with SB 1383, the City's 2030 Equitable Climate Action Plan, and the Reusable Foodware Ordinance supports the Citywide priorities on **holistic community safety** and a **vibrant, sustainable infrastructure**. Climate change impacts through increased wildfire risk, more intense heat waves, worsening air quality, and growing frequency of flood and smoke events are already affecting Oaklanders and are projected to worsen without significant collective action. The new EP3 guidelines for all-electric equipment for major retrofits of City facilities and electric vehicles in City fleets are investments in cleaner and healthier environments for staff and residents.

SB 1383 directs local jurisdictions to increase organic material diversion to reduce emissions of methane, a potent greenhouse gas over 86 times stronger than carbon dioxide in contributing to climate change. While the existing EP3 already encourages greater use of compost and mulch from recycled organic material, the updates add new SB 1383 standards for compost and mulch to address toxicity and better protect human health and safety.

The new EP3 also incorporates new waste reduction and pollution prevention criteria previously adopted by the City to promote a more vibrant and sustainable infrastructure. Currently, the City's Facilities Division is in the process of upgrading existing drinking water fountains at City-owned facilities with water refill stations. So far, Oakland Public Works Department (Public Works) staff have changed out over 20 water fountains for water refill stations and continue to do so based on available funding through grants and budget appropriations. Transitioning City facilities to more reusable foodware and limits on packaged water reduce City expenditures on single-use plastic disposables while investing in alternative systems.

As new federal, state, and local policies and better scientific understanding promulgate over time, the EP3 can become quickly outdated. The current model of Council approval for every update to the EP3, as outlined in Resolution No. 80747 C.M.S., hinders implementation and detracts from the EP3 goal to protect human and environmental health. To better serve the public, authorizing the City Administrator to implement and approve updates to the EP3 will ensure that the EP3 is a living document and responsive to a dynamic science and policy landscape.

Table A: Summary of EP3 Updates

Proposed Change	Rationale	State/Local Regulation
Removal of compostable and bio-plastics from acceptable products	Compostable and bio-plastics do not breakdown in commercial composting and should be landfilled.	Reusable Foodware Ordinance No. 13773 C.M.S.
Restrictions on packaged water	Most packaged water comes in plastic bottles, generating waste and exposure to health risk from microplastics.	

Ban on expanded polystyrene and Per- and Polyfluoroalkyl Substances (PFAS)	Expanded polystyrene is made from fossil fuels and a contributor to plastic pollution. PFAS are chemicals applied to many household products that have been linked to human health risks.	
Requirements for reusable beverage cup system for City events >500 attendees and provision of disposables by customer request	Reusable cups reduce waste generated from single-use disposables. Opt-in requests for disposables further reduces trash generation.	
Prohibition of food serviceware bundling and only allowing bulk dispensers of food serviceware	Extra packaging of food serviceware like utensils, napkins, and straws generates extra waste.	
SB 1383 definitions of compost and mulch	Updated definitions to meet SB 1383 compliance.	SB 1383 Compliance Ordinance No. 13672 C.M.S. and 13673 C.M.S.
Recycled paper content requirements	Updated content requirements to meet SB 1383 standards.	
Prohibitions on certain lighting technologies (incandescent, fluorescent, etc.)	Phasing out less efficient lighting with shorter useful lifespans saves energy and reduces hazardous waste.	Oakland 2030 Equitable Climate Action Plan Ordinance No. 88267 C.M.S.
Green Fleet requirements and preference for electric vehicles	Transitioning away from fossil fuels in transportation to alternative technologies like battery-electric and bio-diesel to reduce greenhouse gas emissions.	
Requirements for all major retrofits at City facilities to be all-electric	A more cost-effective approach for buildings to transition away from fossil fuels, the main contributor to climate change.	

Overall, the EP3 updates will comply with existing state law and City policies and further advance the City's climate action towards net zero carbon emissions by 2045 (see **Table A**). Staff will work with Departments and vendors to educate and implement the updated EP3 and provide technical assistance when needed. The updated EP3 will be included in the biannual Climate Action Progress Report submitted by the CAO Sustainability team. As the science and regulations continue to evolve, staff will also periodically review and propose updates to the EP3 on a more regular cycle to ensure consistency and relevancy.

FISCAL IMPACT

The recycled content requirements for paper products under SB 1383 is expected to have zero to minimal cost impacts on City procurement because discretion is given to City staff as to whether the recycled content products are cost prohibitive. City staff are working with vendors to develop a list of compliant paper products that achieve cost parity or are cheaper than non-recycled content paper products while maintaining a similar level of performance. In rare cases, certain compliant recycled-content paper products may be procured where the cost impact is less than \$50 annually.

In fiscal year 2024/2025, the City spent more than \$100,000 to comply with the annual SB 1383 recovered organic waste product procurement requirement. Adoption of the compost and mulch definitions in the EP3 update will allow the City to count locally made compost and mulch towards SB 1383 recovered organic waste product procurement targets. This will save the City money by reducing the amount needed to be purchased via direct service provider agreements and other vendors while making more efficient use of existing assets.

The EP3 incorporates changed expenditures in capital improvement projects to comply with the City's 2030 Equitable Climate Action Plan Actions CL3: Accelerate City Fleet Vehicle Replacement and B-5: Require All Major Retrofits of City Facilities to be All-Electric. Compared to their gas equivalents, all-electric equipment can be more expensive, but manufacturer rebates and utility incentives can reduce the cost gap and, in some cases, reach cost parity. Moreover, all-electric equipment can be more energy efficient, reducing operational costs in the long-run compared to gas equipment. City staff have been awarded grant funding and zero-cost technical assistance to install all-electric equipment and will continue to pursue similar opportunities.

Building on current progress to install water refill stations at City facilities, instituting a reusable beverage cup system at City facilities in line with the City's Reusable Foodware Ordinance should have minimal additional costs to City budgets. Existing annual funding from the CalRecycle City and County Payment Program and Parks and Recreation capital improvement budgets will continue to cover water refill station installations. For reusable cups, staff and residents are encouraged to bring their own, and Public Works has recently secured a small grant to purchase a shareable set for City facilities.

Finally, the EP3 incorporates Green Fleet requirements as outlined in the 2030 Equitable Climate Action Plan and Zero Emission Vehicle Action Plan to transition City vehicles to all-electric and zero emission fuels. To date, Public Works staff have been pursuing federal and state funding for electric vehicles and chargers and have successfully acquired hybrid-electric and all-electric vehicles for most light-duty models. Zero emission heavy-duty vehicles remain a challenge as the technology evolves but staff are tracking market developments and will prepare a cost-effective transition plan when the current heavy-duty fleet is set to be retired.

Overall, the EP3 will have some costs to implementation, and staff are and will be pursuing grant funding and other partnerships to cover costs while also leveraging the City's purchasing power to create better markets for more sustainable products.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures because the EP3 only applies to internal City operations.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney, the Budget Bureau, the Sustainability and Resilience Division in the City Administrator's Office, the Equipment Services Division in Public Works, and the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: By leveraging the City's procurement budget, the EP3 can support local markets for compost, mulch, paper products with recycled content, all-electric equipment, and electric vehicles. Working together with local vendors, the City demand for these products through the EP3 can have a spillover effect, making these products more affordable to residents for their homes and businesses.

Environmental: The goal of the EP3 is to protect environmental and human health through informed purchasing decisions to reduce waste and toxins, and conserve water, energy, and other natural resources. Based on the best available science, the EP3 recommends that staff invest in products that use more recycled material, less harmful chemicals, and better end-of-life management practices beyond landfill. The EP3 also directs staff to invest in infrastructure that maximizes energy and water efficiency, reduces climate pollution, and promotes reuse over single-use disposables. Taken together, the EP3 policies should result in a cleaner, safer, and more sustainable Oakland.

Race & Equity: There are minor race and equity benefits to the extent that cost-effective local government leadership, increasing demand for locally-produced, environmentally friendly products, will improve public and environmental health outcomes. These improvements tend to have outsized benefits for Black, Indigenous, and People of Color (BIPOC) and low-income communities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Updating The City Of Oakland's Environmentally Preferable Purchasing Policy To Align With The Short-Lived Climate Pollutants Act (SB 1383), The City's 2030 Equitable Climate Action Plan, And The City's Reusable

Foodware Ordinance (Oakland Municipal Code 8.07) And Authorizing The City Administrator To Implement Such Policy And Approve Future Policy Updates.

For questions regarding this report, please contact Jeffrey Wong, Recycling Program Specialist II, at (510) 238-6695.

Respectfully submitted,



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