



# INTRODUCTION OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 9 OF THE SANTA ROSA CITY CODE BY ADDING CHAPTER 9-30, ZERO WASTE FOOD WARE ORDINANCE

City Council  
July 20, 2021

Joey Hejnowicz  
Administrative Analyst, Transportation and Public Works

# BACKGROUND

- Production and management associated with single-use plastic food service ware, typically used once and then discarded, has significant environmental impacts
- Environmental contamination, consumption of energy, water and non-renewable fossil fuels, emission of greenhouse gases, air and water pollutants, depletion of natural resources, etc.

# BACKGROUND

- 2011 Clean Water Fund study of Bay Area street litter found that 67% of all the 12,000 litter items counted were single-use food or beverage packaging
- 2017 study conducted by the Russian River Watershed Association found over 60% of all the 2,578 litter items collected were single-use plastic items of some variety (plastic wrappers, plastic bags, Styrofoam food packaging, lids/straws, etc.)
- 2019 study conducted by Stormwater and Creeks removed 1,031 cubic yards of trash deposited into our storm drain system or into the active channels of our creeks

# BACKGROUND

- Eighty percent (80%) of marine debris originates on land, primarily as trash in urban runoff. Marine plastics cause animal disease and mortality and have been detected in human consumption items such as fish, bottled water, honey, sea salt and more
- The practice of giving out single-use plastic service ware encourages customers and food vendors to pay little attention to the quantity of disposable packaging products they consume and the associated environmental impacts
- City Council adopted Santa Rosa Zero Waste Master Plan in January 2020 and a food ware ordinance was one of the Plan's central strategy recommendations

# ZERO WASTE MASTER PLAN GOALS

- 1. Reduce landfill disposal to less than 1 pound per person per day of franchised waste by 2030.**
  - Currently at 2.5 pounds per person per day
- 2. Achieve at least 75% diversion of franchised waste from landfill by 2030.**
  - Currently at 45% diversion from landfill

# MODEL ORDINANCE

- Zero Waste Sonoma developed a model ordinance for member jurisdictions to consider for adoption.

## The model ordinance addresses the following areas:

1. Prohibits polystyrene foam food ware distributed by food and beverage providers
2. Prohibits polystyrene foam food ware and specified polystyrene foam products sold by retail stores
3. Requires food/beverage providers and special events to use compostable or recyclable disposable food service ware
4. Requires food/beverage providers to provide single-use straws, lids, cutlery and to-go condiment packages only upon request
5. Requires food/beverage providers to provide service ware products without fluorinated chemicals (PFAS)
6. Encourages use of reusables

# PRIOR CITY COUNCIL REVIEW

- **January 28, 2020** – City Council adopts Santa Rosa Zero Waste Master Plan – Food Ware Ordinance one of the central strategies
- **July 28, 2020** – Climate Action Subcommittee receives initial report on Zero Waste Sonoma Model Ordinance and requests follow up information from staff
- **November 18, 2020** – Climate Action Subcommittee receives follow up report and directs staff to pursue a more aggressive fully compostable food ware ordinance for the entire City Council to consider in a study session
- **December 15, 2020** – City Council study session to provide information on what a fully compostable food ware ordinance would look like and to receive City Council feedback
- **March 10, 2021** – Climate Action Subcommittee reviews a revised draft of the proposed Zero Waste Food Ware Ordinance and recommends bringing forward to the full City Council for adoption

# COMPOSTABLE FOOD WARE CONSIDERATIONS

- Most compostable food ware (not entirely just fiber) contains Polylactic Acid (PLA) or Per- and Polyfluoroalkyls (PFAS)
- PLA and PFAS act as a grease/liquid proofing agent designed to prevent greasy or liquid based food and beverages from leaking out of food containers
- There is evidence that exposure to PFAS can lead to adverse human health effects
- Products containing PLA or PFAS are not accepted and generally screened out of the composting process at the facilities Santa Rosa delivers our material



# ZERO WASTE FOOD WARE ORDINANCE

## *PROHIBITED PRODUCTS & RETAIL PRODUCTS*

- Prohibit Food Ware containing Polystyrene (Styrofoam) from being sold, procured, distributed, or otherwise given away
- Prohibit Food Ware containing Per- and Polyfluoroalkyl (better known as PFAS) from being sold, procured, distributed, or otherwise given away
- Prohibit retail establishments from selling, renting, or otherwise providing products containing Polystyrene or PFAS.
  - Common products include coolers, ice chests, or other similar containers unless they are wholly encapsulated or encased within more durable material to be reusable
  - Packaging peanuts or other packaging materials
  - Food Ware and Food Ware Accessories composed of Polystyrene or PFAS

# ZERO WASTE FOOD WARE ORDINANCE ELEMENTS

## *DINE-IN FOOD WARE REGULATIONS*

- Food Facilities shall sell or provide food and beverages for consumption on the premises using Reusable Food Ware and Food Ware Accessories (plates, forks, spoons, knives, etc.)
- Food Facilities shall provide all other Food Ware Accessories, including napkins, cup sleeves, beverage trays, straws, stirrers, splash sticks, toothpicks, etc. upon request only
- Food Facilities shall offer condiments in Reusable dispensers rather than pre-packaged single-use packets

# ZERO WASTE FOOD WARE ORDINANCE ELEMENTS

## *TAKE-OUT FOOD WARE REGULATIONS*

- Food Facilities are prohibited from providing Food Ware and Food Ware Accessories that are made from or contain Polystyrene
- Food Facilities are prohibited from providing Food Ware and Food Ware Accessories that are made from or contain Per- and Polyfluoroalkyl (PFAS)
- Food Facilities shall provide Food Ware Accessories upon request only
- Food Facilities shall provide options for customers to affirmatively request Food Ware Accessories separate from orders for food and beverages across all ordering/point of sale platforms, telephone, and in-person

# ZERO WASTE FOOD WARE ORDINANCE ELEMENTS

## *TAKE-OUT FOOD WARE REGULATIONS*

- Food Facilities or Takeout Food delivery services may include lids, spill plugs, and sleeves without request for Non-Reusable cups for delivery
- Food Facilities are encouraged, but not required, to charge customers receiving to-go Food Ware and Food Ware Accessories twenty-five cents (\$0.25). Customers must affirmatively request Food Ware Accessories
- Food Facilities are encouraged, but not required, to provide a twenty-five cent (\$0.25) credit to customers bringing in their own hygienic Reusable Food Ware containers for to-go items
- Food Facilities shall not provide Takeout Bags composed of plastic and shall only provide Natural Fiber bags. Customers are strongly encouraged to bring their own Reusable bags

# ZERO WASTE FOOD WARE ORDINANCE ELEMENTS

## *THREE BIN WASTE STREAM REQUIREMENT*

- Food Facilities who provide solid waste containers for customer use, must provide three separate containers for garbage, recycling and organics
  - Color guidelines consistent with franchised hauler's collection program( grey/black – garbage; blue – recycling; green – organics)
  - To extent possible all containers should be placed adjacent to one another
  - Graphic rich signage should be posted on or above each container following franchised hauler's waste guidelines

# ZERO WASTE FOOD WARE ORDINANCE ELEMENTS

## *CITY STAFFED FACILITIES AND CITY EVENTS*

- All City of Santa Rosa staffed facilities shall use Reusable Food Ware and Food Ware Accessories (City Manager memo)
- City-managed concessions, City-sponsored events, and City-permitted events shall follow the requirements of the Zero Waste Food Ware Ordinance

# MODEL ORDINANCE COMPARISON

|   | Zero Waste Sonoma Model Ordinance | Proposed Zero Waste Food Ware Ordinance |
|---|-----------------------------------|---|
| <i>Prohibits Polystyrene Food Ware</i>  | ✓                                 | ✓                                       |
| <i>Prohibits PFAS Food Ware</i>   | ✓                                 | ✓                                       |
| <i>Food Ware Prohibitions Apply to Events</i>   | ✓                                 | ✓                                       |
| <i>Food Ware Accessories "upon request only"</i>  | ✓                                 | ✓                                       |
| <i>Prohibits Polystyrene Food Ware and Other Specified Products Sold by Retail Stores</i> | ✓                                 | ✓                                       |
| <i>Encourages Use of Reusables</i>  | ✓                                 | ✓                                       |
| <i>Dine-In Facilities Must Use Reusable Food Ware &amp; Accessories</i>                   |                                   | ✓                                       |
| <i>Three-Bin Containers for Customer Use</i>  |                                   | ✓                                       |
| <i>City Staffed Facilities Shall Only Use Reusable Food Ware &amp; Accessories</i>        |                                   | ✓                                       |

# EXEMPTIONS

- Entities packaging Prepared Food outside the City are exempt from the Ordinance provisions. However, such entities are urged to follow the provisions of this Ordinance
- Polystyrene that is included for insulating or flotation purposes and is completely encased in more durable material (ex. surfboards, life preservers, construction materials, etc.)
- For the immediate preservation of the public space, health, or safety due to an emergency or natural disaster, the City Manager, or designee, may exempt Food Facilities, persons operating City facilities and agents, contractors, and vendors doing business with the City



# WAIVER PROCESS

- City Manager or his/her designee shall grant waivers upon documentation provided by the applicant that the requirements of the ordinance would create undue financial hardship or practical difficulty not generally available to other persons in similar circumstances
- Food Facilities may apply for a one-time waiver for up to one (1) year not to exceed January 1, 2023
- The City Manager or his/her designee shall have full discretion to verify the waiver application and maintains authority to grant or deny the waiver

# EFFECTIVE DATE & ENFORCEMENT

- Compliance required as of the effective date January 1, 2022
- Administered through the Code Enforcement Department
- Enforcement shall first include a written notice on non-compliance and a 90-day opportunity to correct
- Failure to remedy after 90-days subject to administrative citation penalty schedule
  - \$100 – 1<sup>st</sup> violation
  - \$200 – 2<sup>nd</sup> violation
  - \$500 violation in excess of two annually

# COMMUNITY OUTREACH

- Informational email describing proposed Ordinance sent to Chamber of Commerce, Santa Rosa Downtown District and Hispanic Chamber of Commerce
- Zoom Meeting with members of Santa Rosa Downtown District
- Meeting with Sebastopol Road business owners (focus on food truck owners)
- Zoom meeting with members of the Latino Business Owners Group

# COMMUNICATIONS STRATEGY

- Bilingual (English/Spanish) multi-page/panel informational mailer for businesses educating on new Ordinance
- Bilingual postcard mailer for businesses alerting of upcoming Ordinance effective date
- Single-panel, 2-sided bilingual Water Bill insert for residents educating on Ordinance
- Bilingual infographic signage
- Bilingual City Connections Newsletter
- Create City webpages
- Distribute news releases to media outlets
- Radio spots and print ads
- Social media messaging for Twitter, Facebook, Instagram and Nextdoor

# RECOMMENDATION

It is recommended by the Transportation and Public Works Department that the City Council introduce an ordinance amending Title 9 of the Santa Rosa City Code by adding Chapter 9-30, Zero Waste Food Ware Ordinance

QUESTIONS?