



CONSIDERATION OF A REUSABLE AND COMPOSTABLE FOOD WARE ORDINANCE

Climate Action
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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.
- 2011 study of Bay Area street litter in areas impacting runoff into San Francisco Bay found that 67% of all the 12,000 litter items counted were single-use food or beverage packaging.

BACKGROUND

- 2017 Russian River Watershed analysis of trash in the Russian River revealed that of the total litter items collected (2,578) over sixty percent (60%) were single-use plastics of some variety (plastic wrappers, plastic bags, Styrofoam food packaging, lids/straws, etc.).
- In 2019, Santa Rosa Stormwater & Creeks cleanup programs removed 1,031 cubic yards of trash deposited into our storm drain system or active channels of our creeks.
- According to Storm Water & Creeks staff polystyrene (Styrofoam) and plastic food packaging are persistent litter items found in Santa Rosa waterways.

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.
- City Council adopted Santa Rosa Zero Waste Master Plan in January 2020 and a Reusable and Compostable Food Ware Ordinance was one of the Plan's central strategy recommendations.
- 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.

MODEL ORDINANCE

- Zero Waste Sonoma had developed a model ordinance for member jurisdictions to consider for adopted titled *Ordinance to Prohibit Use and Sale of Disposable Food Service Ware and Other Products Containing Polystyrene Foam*.

The model Ordinance addresses five 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. Encourages use of reusables

WHO WOULD BE AFFECTED

- Those who sell or distribute disposable food ware and other specified products including food and beverage providers, retailers and special events.
- Restaurants, bars, retail food vendors (store, shop, sales outlet, convenience store, grocery store, deli, etc.), faith-based organizations and food trucks.
- The Ordinance applies to city facilities (including lessees) and special events requiring a permit from the city.

IMPACT TO FOOD & BEVERAGE PROVIDERS

- Prohibits polystyrene foam food service ware sold, given away or given to customers.
- Eliminates use of polystyrene foam and other non-compostable and non-recyclable items.
- Requires straws, lids, cutlery and to-go condiment packages shall only be provided upon customer request.
- Encourages use of reusables (food and beverage providers are encouraged, but not required, to provide a \$0.25 take-out fee for any combination of to-go food ware provided. It is assumed that money collected will go towards the purchase of ordinance compliant disposable alternatives).

IMPACT TO RETAILERS

- Prohibits the sale of the following polystyrene products:
 - Disposable food service ware that is comprised in whole or in part of polystyrene foam
 - Coolers, ice chests or similar containers
 - Packaging peanuts or other packaging materials



IMPACT TO CITY FACILITIES AND SPECIAL EVENTS

- City facilities shall not provide prepared food in disposable food service ware that contains polystyrene foam.
- City departments may not purchase, acquire or use disposable food service ware that contains polystyrene foam
- City contractors and lessees may not use disposable food service ware that contains polystyrene foam
- Special event promoters requiring a permit may not use disposable food service ware that contains polystyrene foam

EXEMPTION PROCEDURE & PRODUCTS

- City Manager (or designee) may exempt a food provider, retail vendor or special event for the ordinance requirements for a one-year period upon showing the ordinance creates an undue hardship.
- Must reapply prior to the end of the one-year exemption period as exemptions are granted for intervals not to exceed one year.
- Exempt Products:
 - Foods prepared or packaged outside the jurisdiction. However, all vendors are encouraged to follow ordinance.
 - Disposable food ware compostable or recyclable through Sonoma County's recycling programs.
 - Reusable polystyrene foam used for insulating or flotation purposes and is completely encased in more durable material. Examples include: surfboards, boats, life preservers, construction materials, craft supplies, and durable coolers not principally composed of polystyrene foam.

WHAT IS COMPOSTABLE & RECYCLABLE

- **Compostable** means that a product is capable of disintegrating into natural elements in a compost environment, leaving no toxicity in the soil, within a specified time period. This process recycles various organic materials otherwise regarded as waste products resulting in a valuable reusable product as a soil conditioner.
- **Recyclable** means using discarded materials to manufacture a new product. Recycling involves altering the physical form of an object or material and making a new object from the altered material. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

SUPPLEMENTARY POLICY MEASURES TO CONSIDER

- Certain jurisdictions have instituted single-use food ware measures to increase diversion and reduce environmental impact (i.e. Berkeley, San Francisco, Alameda, Fremont, Long Beach, etc.)
- City of Berkeley was found to have instituted the most progressive and cutting-edge single-use food ware ordinance.
- Berkeley ordinance implemented in phases to give businesses time and flexibility to successfully transition.
- Enforcement of each phase begins one year after the effective date and businesses are offered support and opportunities to cure prior to any enforcement.

BERKELEY ORDINANCE EVALUATION

Phase 1

- Accessory Disposable Food Ware items shall be provided only upon request or at self-serve stations
 - Straws, stirrers, napkins, utensils, condiment cups/packets, etc.
- Prepared Food Vendors that allow self-bussing must provide color-coded (blue, green, gray/black) receptacles for customers to separate their recycling, compost and landfill waste. Signage must be posted above and/or on each receptacle
- Food ware purchased by the City for use at city facilities and city-sponsored events must be reusable or certified compostable by the Biodegradable Products Institute (BPI).

BERKELEY ORDINANCE EVALUATION

Phase 2 - (8 months after Phase 1)

- All disposable food ware and accessory disposable food ware items must be certified compostable by BPI
 - Prepared food vendors can seek waivers for specific disposable food ware items if they can demonstrate that no comparable certified compostable item exists or the cost will cause undue financial hardship
- Prepared Food Vendors must show a charge of twenty-five cents (\$0.25) for every disposable beverage cup provided
 - Charges for disposable cups must be identified on receipt and charge clearly identified on menus, ordering platforms, menu boards, etc.
 - The \$0.25 charge cannot be applied to any reusable cups supplied by customer at point of sale. Unsuitable or unsanitary cups can be refused.
 - Customers demonstrating a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) or an Electronic Benefit Transfer card (EBT) are exempt from the disposable cup charge.

BERKELEY ORDINANCE EVALUATION

Phase 3 - (6 months after Phase 2)

- Prepared Food Vendors offering onsite dining may only use reusable (durable/washable) food ware to serve customers eating on premises.
 - May either provide cleaning and sanitation facilities onsite or contract with service for off-site cleaning
 - All food ware for onsite dining must be reusable, with following exceptions:
 - Certified compostable paper tray/plate liners, paper wrappers, napkins and straws are allowed for dining on-premises
 - Recyclable aluminum foil is allowed for wrapping/forming items (i.e. burritos/wraps).

ANALYSIS

- The average increase in costs to switch to compostable products is approximately eight percent (8%)*.
- Costs can be recouped with decreases in disposal costs.
- Potential for food service businesses to charge customers receiving to-go food service ware/disposable cups (\$0.25).
- Reusables (durable products designed for many uses) are most cost effective and environmentally friendly.

* <https://www.foodservicedirector.com/operations/cost-going-green>

ANALYSIS

- Compostable plastics are not accepted by our local compost facility.
- BPI Certified uncoated fiber paper products accepted:
 - Uncoated white / natural plant fiber
 - Uncoated white / natural deli and parchment paper
 - Paper Napkins and Paper Towels
 - 100% wood, bamboo or palm leaf products
- Biodegradable Products Institute (BPI) – America's leading certifier of compostable products and packaging.

ZWS MODEL ORDINANCE VS BERKELEY MODEL

- Berkeley Model only allows to-go food ware to be BPI Certified compostable (certain exemptions allowed but must be approved).
- Prepared Food Vendors that allow self-bussing must provide color-coded receptacles for customers to separate recycling, compost, and landfill waste.
- Berkeley Model directs Prepared Food Vendors offering onsite dining to only use reusable food ware (or compostable).
- Prepared Food Vendors must show \$0.25 charge for every disposable cup provided.

SUBCOMMITTEE CONSIDERATIONS

- Overall Thoughts/Input
- Zero Waste Sonoma Model vs. Berkeley Model
- Covid-19 Implications
- Implementation Timeline
- Level of Outreach
- Next Steps