



DATE: March 9, 2020

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT: Single-Use Food Service Ware: Consider Coordination with StopWaste to Develop and Implement a Countywide Ordinance to Regulate Single-Use Food Service Ware

RECOMMENDATION

That the Council Sustainability Committee considers coordination with StopWaste to develop and implement a countywide ordinance to reduce single-use disposable food service ware consumption.

SUMMARY

The Council Sustainability Committee has discussed single-use disposable food service ware since March 2018, and at its January 13, 2020 meeting, the Committee expressed support for the Alameda County Waste Management Authority (ACWMA, aka StopWaste) to develop a Countywide ordinance to help reduce disposable food service ware consumption in all eating and drinking establishments in the County.

At the January 22, 2020 StopWaste meeting, the Board decided to postpone drafting a Countywide disposable food service ware ordinance until Authority staff conducted pilot projects as well as additional analysis of similar ordinances in place across the state. The additional work will likely delay the creation of a Countywide ordinance by more than a year. However, it will likely lead to a policy that reduces the chances of creating unintended consequences.

BACKGROUND

At its March 12, 2018 meeting¹, the Committee expressed a desire for the City to move forward with its own ordinance to address the issue of pollution from single-use plastic

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3373001&GUID=09BC7D6F-B510-48FE-B23D-ADB462977C7E&Options=&Search=>

straws and utensils unless the Authority moved forward with a Countywide ordinance banning single-use plastics.

At the September 24, 2018² meeting, the Committee expressed support for an ordinance that would allow the distribution of single-use plastics food service ware only upon request. The Committee again encouraged staff to work with StopWaste to develop a Countywide ordinance.

On September 17, 2019³, the Committee reviewed a report with options for addressing litter and supported staff's suggestion to issue a request for proposals (RFP) to hire a consultant to provide technical assistance to help restaurants make the switch from disposable food service ware to reusables.

On November 14, 2019⁴, the Authority Board discussed concepts to develop an ordinance to address food service ware waste that could be provided either as a Countywide ordinance, or as a model ordinance for Alameda County jurisdictions to adjust to fit their own needs. The Board decided to collect additional feedback from member agencies before determining on the type of ordinance to pursue.

At its January 13, 2020 meeting, the Committee expressed support for the Authority to move forward with a Countywide disposable food service ware ordinance and Hayward staff relayed this input to StopWaste.

On January 22, 2020, the Authority Board decided to postpone drafting a Countywide or a model disposable food service ware ordinance. The Authority directed staff to conduct reusable food service ware pilot projects and additional analysis of food service ware ordinances being implemented across the state in order to build confidence that a Countywide ordinance would achieve intended environmental benefits without imposing overwhelming challenges to businesses and consumers. A Countywide disposable food service ware ordinance will likely not be brought back before the Authority for another year or more.⁵

DISCUSSION

There are multiple benefits that can be realized through a policy addressing single-use disposable food ware, including reducing litter, plastic pollution, fossil fuel consumption, and compost contamination. A recent StopWaste staff report⁶ shows that there are 27 ordinances in place or in development across California that restrict the use of disposable food service

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=3683331&GUID=D38BDD40-113E-4D0B-8F3F-737FCBA7FF3C&Options=&Search=>

³ <https://hayward.legistar.com/MeetingDetail.aspx?ID=718642&GUID=E9B693C0-F070-4A0C-AA09-D959115F02F3&Options=&Search=>

⁴ <http://www.stopwaste.org/sites/default/files/12-12-19%20pkt.pdf>

⁵ http://www.stopwaste.org/sites/default/files/meeting/Reusable%20Food%20Ware%20Ordinance_0.pdf

⁶ <http://www.stopwaste.org/sites/default/files/12-12-19%20pkt.pdf>

ware, including in the local cities of Alameda, San Francisco, Oakland, Richmond, and Berkeley.

A disposable food service ware ordinance has been discussed by the Committee on multiple occasions and the Committee has encouraged staff to work with StopWaste to develop a Countywide ordinance. The main advantage of uniform adoption of a Countywide ordinance is that it would establish one set of rules for all jurisdictions. A Countywide ordinance also simplifies compliance for businesses as well as reduces the likelihood of confusing consumers as they cross jurisdictional boundaries.

An ordinance requiring reusable dishware could be a burden on some Hayward businesses. Changing a business model designed around disposable food service ware to a model using reusable serving ware can present challenges, especially if dishwasher hook-ups, sinks, and sewer connections need to be created. If Hayward were to adopt its own ordinance requiring reusable dishware for dine-in establishments and offering exemptions for certain establishments, proper implementation of the ordinance would require significant staff resources. Staff would need to develop and conduct an outreach campaigns, perform inspections, and track exemptions.

Staff recommends that the City work with StopWaste to develop and implement a Countywide ordinance.

However, if the Committee prefers to have an ordinance in place prior to StopWaste's development of a Countywide ordinance, staff could draft an ordinance that requires:

1. All single-use accessories (straws, utensils, condiment packets, etc.) be available only at the specific request of customers or at self-serve kiosks.
2. All disposable food service ware and food service ware accessories be BPI certified compostable fiber.

If the Committee prefers this option, staff recommends waiting for the results of the pilot projects to be completed in Hayward and around the County. Staff is not recommending adoption of an ordinance requiring use of reusable dishware ahead of a future Countywide ordinance.

While the majority of food service operators that responded to a City survey felt it was unnecessary, staff could also move forward with an RFP to hire a consultant to provide technical assistance to help restaurants replace their disposable food service ware with reusable dishware.

FISCAL/ECONOMIC IMPACTS

Requiring restaurants to only offer disposable food ware accessory items on request would not have a significant fiscal impact to customers or businesses. Businesses might save money if fewer disposables are provided to customers. Requiring businesses to use reusable serving

ware would burden businesses with a fiscal impact of purchasing dishware and installing or arranging for washing infrastructure or services. Requiring businesses to use BPI certified compostable fiber could also have a fiscal impact as these products may be more expensive than traditional plastics. Enacting some level of enforcement would require staff time, and likely only be enforced in response to complaints. Contracting with a consultant to provide reusable technical assistance would require staff time and investments of solid waste funds.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of *Combat Climate Change*. Specifically, this item relates to the implementation of the following projects:

Project 5, Part 5a:	Conduct outreach regarding single-use disposables
Project 5, Part 5b:	Develop ordinance regulating single-use food ware in restaurants and coordinate with County-wide efforts

SUSTAINABILITY FEATURES

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable. Reducing the amount of hard-to-manage solid waste also reduces the opportunity for material to enter waterways and the Bay.

PUBLIC CONTACT

Staff mailed letters soliciting feedback from food-related businesses in 2015 and in 2017 regarding litter reduction efforts, including a ban on single-use food service ware. In the Fall of 2019, staff surveyed Hayward food establishments about their attitudes toward potential elements of a Countywide food service ware ordinance. The survey was disseminated through email, *The Leaflet*, Hayward's environmental newsletter, and emails from the Hayward Chamber of Commerce. In addition, the City's Climate Corps Fellow and a volunteer visited over 60 Hayward businesses to collect survey responses in person. In total, 24 businesses participated in the survey.

Sixty-one percent of respondents currently either use all disposable ware or use mostly disposable food service ware. Eighty-one percent of respondents were indifferent about, or supportive of an ordinance requiring disposable food service ware be offered only upon request. Fifty-five percent of respondents were opposed to an ordinance requiring businesses charge a fee on disposable cups. Twenty-four percent of respondents were interested in receiving technical assistance helping them replace disposable food service ware with reusable dishware, while fifty-two percent of respondents indicated they would be willing to replace disposable food service ware with reusable dishware if financial assistance were available to cover initial purchasing costs.

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Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager