

## **Proposed Disposable Food Service Ware Ordinance Frequently Asked Questions**

**1. *Is the Disposable Food Service Ware Ordinance coordinated with San Mateo County and other cities in the county?***

Yes, this Disposable Food Service Ware Ordinance (ordinance) was proposed and drafted by the [San Mateo County Office of Sustainability](#). The San Mateo County Board of Supervisors adopted this ordinance at their February 25, 2020 meeting. Interested cities that want to follow the County's lead may bring it to their respective City/Town Councils for consideration and adoption.

**2. *If this ordinance gets passed, will the City of Burlingame consider adding three waste management boxes (landfill, recycle, and compost) throughout the city? Many compostable items end up in the landfill instead of the compost since there are no convenient compost bins in public spaces.***

Currently, the City does not provide compost bins in public areas and this potential ordinance is a good opportunity to look into this further. The City is actively working with Recology to explore options for putting compost bins in public parks and downtown areas.

**3. *Why are compostable plastics not allowed in this ordinance?***

One of the main goals of this ordinance is to reduce the production, management, and consumption associated with disposable food service ware since they are typically used for only a few minutes before being discarded and have significant environmental impacts by contributing to plastic pollution in waterways and oceans. Plastics in waterways and oceans break down into smaller pieces called microplastics that do not biodegrade and are present in most of the world's oceans. Microplastics consumed by marine organisms make their way into animals' tissues and are beginning to show up in the fish that humans consume. Given this information, compostable plastics are not allowed because when littered, they do not easily biodegrade in the San Francisco Bay compared to fiber-based products.

**4. *Does Recology San Mateo accept fiber-based materials in their composting program?***

Yes, Recology does accept fiber-based food service ware that are compliant with this ordinance in the green compost bin. If this ordinance is adopted, both the City of Burlingame and the San Mateo County Office of Sustainability will conduct education and outreach as part of implementation.

**5. *How will consumers be informed as to which of the new food service wares are landfill vs. recyclable vs. compostable? Is there an educational outreach program for residents as well as business owners?***

Education and outreach to both food facilities and the community at large will be part of the implementation of this ordinance. The San Mateo County Office of Sustainability will take the lead in conducting outreach for this ordinance.

**6. *Is there an exemption for people with disabilities who require a plastic straw to drink?***

Yes, this is already included in the ordinance. Individuals may request a disposable straw (i.e. plastic straws) to accommodate medical needs or disabilities. In addition, healthcare facilities may distribute plastic straws with or without request by a patient at the discretion of the healthcare facility staff.

**7. Does the City also require businesses and multi-family housing units to provide composting services? I live in an apartment and would love to compost but do not have the facilities to do so.**

The mandatory Commercial Organic Waste Recycling Law ([AB 1826](#)) became effective on January 1, 2016 and requires businesses and multi-family complexes (with 5 or more units) that generate specified amounts of organic waste (e.g. yard waste and landscape materials) to arrange for organics collection services. This includes schools, hospitals, stores, restaurants, for-profit, or nonprofit organizations, as well as residential dwellings with 5+ units. Starting January 1, 2020 this law will apply to businesses and multi-family dwellings that generate 2 cubic yards (54 cubic feet) or more per week of garbage. Note that multi-family dwellings are not required by AB 1826 to compost food waste, but they are required to ensure that yard waste and landscape materials generated on-site are composted. *If you would like to subscribe to a compost program at your property for food waste, please contact Recology's Waste Zero Team at [GreenYourBiz@Recology.com](mailto:GreenYourBiz@Recology.com) or (650) 595-3900.*

If you live in an apartment that does not currently subscribe to Recology's composting service, you can still compost at home. A [worm composting bin](#) is an inexpensive and easy system to maintain that will allow you to turn your food scraps into compost, which you can use for indoor and outdoor plants. If you would like to learn how to compost at home but don't know where to start, sign up for a free composting workshop. Here are some organizations that host composting workshops:

- San Mateo County Office of Sustainability - [www.smcsustainability.org/events](http://www.smcsustainability.org/events)
- Bay Area Water Supply & Conservation Agency - <http://bawsca.org/consERVE/programs/classes>
- UC Master Gardeners - <http://smsf-mastergardeners.ucanr.edu/classes>

**8. Is there a program available to provide businesses with resources about how to obtain substitutes for single-use products (i.e. plastic silverware, plastic water cups, etc.)? I am concerned that this ordinance will create an unintended hardship for small businesses to comply.**

There will be a mix of both cost savings and spending. This ordinance will require that food service ware accessories (e.g., straws, stirrers, cup spill plugs, etc.) are only provided upon request by the consumer, upon acceptance by the consumer, or at a self-serve area which can yield a cost savings for food facilities as they will be distributing fewer accessories to those who want it. However, non-plastic compostable items tend to cost more than the traditional plastics so some food facilities will incur an increase in cost of operations. This ordinance will be a good opportunity to help catalyze some of the food facilities to critically evaluate their use of disposables and look into switching to reusable food service ware for their long-term operations. In the long-term, switching to reusable items will save food facilities more money than continuing to supply single-use disposable plastic food ware. The [County is piloting a program called Rethink Disposable](#) where they provide free technical assistance and up to \$500 to help restaurants switch from disposable to reusable food service ware. If successful, this program will become available to all restaurants throughout the county on an on-going basis.

In addition, most of the trash generated in San Mateo County goes to Ox Mountain Sanitary Landfill (including Burlingame's). In the future, when this landfill is full, we may see a substantial increase in our garbage rates if our trash needs to be hauled to another landfill outside of the county that has a higher capacity. The more we can do to prolong the life expectancy of Ox Mountain Sanitary Landfill, the more food facilities and customers will be able to save money in the long run.

**9. *Would this ordinance apply to delis in grocery stores or the use of plastic in other parts of a grocery store?***

This ordinance will impact delis in grocery stores, specifically food service ware that is used to distribute prepared food.

Most grocery stores however sell prepackaged food, which is outside the scope of this ordinance. Those prepackaged food items will not be required to meet the requirements of the ordinance.

**10. *Are restaurants able to charge a small fee for straws, takeout boxes, cups, etc. for customers that want them (similar to paper bags at the grocery store)?***

Yes, this will be up to the food facility on how they want to recover their costs of complying with this ordinance.

**11. *Are customers allowed to bring their own reusable food ware containers to restaurants? I would also like to see publicity to encourage the public to bring their own cups, bags and containers.***

Transitioning to reusable containers is the San Mateo County Office of Sustainability's long-term goal for the county and would also support the City of Burlingame's zero waste goal. In the meantime, this ordinance will help meet that goal by focusing on reducing disposable food service ware. There are some incentives already to encourage customers to bring a reusable container. For example, some cafes accept their customers' reusable mug and even offer discounts (e.g., 10 cents) off the price of their drink. Another way to reduce single-use items is to bring your own container when dining at restaurants.

[AB 619](#) is a recent legislation that was signed into law and provides more guidance for food facilities to accept reusable containers from customers. It also ends the requirement that temporary food facilities at community events provide single-use food ware by allowing (not mandating) that vendors at street festivals, county fairs, outdoor concerns, and other community events to serve food and beverages in washable cups, dishes, and utensils.

**12. *If this ordinance is adopted, does it go into effect immediately?***

No, the ordinance states that there is a one year (365 days) delay time after the effective date until the ordinance is operative and subject to enforcement.

**13. *Does this ordinance apply to schools?***

Private schools (not public schools) will be required to comply with this ordinance. Because public school districts are managed directly by the State, they will not be required to comply. However, the City strongly encourages voluntary compliance and the County may be able to provide assistance to schools.

**14. *Will this ordinance include eliminating black plastic from takeout containers since they cannot be recycled at Recology?***

Yes, this ordinance will require fiber-based compostable plates, bowls, cups, food trays, clamshells, boxes, deli containers, and other containers to be used for the sale and/or distribution of prepared food. Note that this does not include prepackaged food which is exempt from this ordinance.

**15. Does this ordinance also include eliminating plastic bags?**

No, this ordinance is intended to reduce disposable plastic food service ware (such as plates, cups, bowls, trays, straws). Plastic bags are not considered as a food service ware or accessory. Furthermore, the Burlingame City Council adopted the County of San Mateo's program restricting the use of single-use carry-out bags which went into effect on April 22, 2013. Additional restrictions on plastic bags outside of the 2013 ordinance is not part of the scope of this ordinance.

If you have plastic bags and are looking for a place to recycle them since **they are not recyclable in the blue recycling bin**, there is a plastic bag recycling bin available at Mollie Stone's and Safeway in downtown Burlingame.

**16. Given that people may have allergies to some materials that are used in the manufacturing of these fiber-based containers, specifically wheat and hay, the ordinance should include language that discloses from what material the fiber-based containers are made from.**

The San Mateo County Office of Sustainability (OOS) did a combination of emailing and online research around this concern, including reaching out to a few of the main manufacturers such as World Centric and Eco Products. From this outreach effort, OOS discovered that the disposable food ware made from wheat are made specifically from the stalk/stem of the wheat and not the grain itself. This is an important distinction because the stalks/stems of wheat plants do not store protein, gluten, or allergens. Those are stored in the grains of wheat, which are harvested for consumption. OOS confirmed with World Centric, Eco Products, and a few other manufacturers that make wheat disposable food ware that this is indeed the case for their products. Based on the information provided from these companies, community members with wheat/gluten allergies should be able to eat food from food ware made from wheat stalk/stem. OOS will be integrating this information into their outreach with food facilities and the public if the ordinance is adopted.

**17. I've been reading that some of these compostable takeout containers may contain chemicals that are not good for humans or the environment. Is there a way to make sure that we are only allowing healthy food service ware products in this ordinance?**

Yes, the ordinance will only allow compostable food service ware products that are free of all intentionally added fluorinated chemicals (i.e., per- and polyfluorinated alkyl substance or PFAS will not be allowed in this ordinance) and must be certified by the Biodegradable Products Institute (BPI). For more information about products that are BPI certified compostable, please visit [www.bpiworld.org](http://www.bpiworld.org).

**18. Many fiber-based takeout containers do not have a transparent lid, which makes it difficult for our customers to see what's inside the container. Also, fiber-based containers can be more susceptible to leaks than plastic containers. Is there a way to accommodate for these types of conditions?**

Thank you for your feedback. To cater to grab-and-go food facilities, the San Mateo County Office of Sustainability has updated the final ordinance which now states that detachable lids are not considered a disposable food service ware accessory. This will allow lids for food ware to be clear and be made from any plastic. The body of the food ware will still need to be fiber-based. Allowing lids to be plastic but the rest of the food ware container be fiber-based may be a good compromise to some of the concerns from other grab-and-go food facilities.

**19. Some grab-and-go businesses rely exclusively on plastic cups and plastic straws. How can these businesses comply when most of the products they currently use will be noncompliant?**

Although this ordinance will impact grab-and-go businesses the most, there are similar businesses in the Bay Area that are starting to adapt to similar laws that are being passed. San Francisco recently banned plastic straws and we are seeing an increase in the number of options for purchasing non-plastic straws. In addition, food facilities could consider selling branded reusable cups and straws to encourage customers to reuse them and perhaps offer a discount to those that bring their own cup.