



Office of the City Manager

CONSENT CALENDAR  
December 11, 2018

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Phil Harrington, Director, Department of Public Works  
Subject: Companion Report: Referral Response: Proposed Single Use Foodware and Litter Reduction Ordinance

RECOMMENDATION

Staff appreciates the Zero Waste Commission's diligent and thoughtful work and requests that Council refer their recommendations for the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the City Manager to review, to quantify the potential impacts, and to report back to Council with an analysis.

FISCAL IMPACTS OF RECOMMENDATION

If the Zero Waste Commission recommendations are incorporated into the proposed Ordinance, the potential fiscal impacts could include the following:

1. Funding for a City-wide education program and onsite technical assistance for businesses to help them transition to the requirements of the Ordinance;
2. Funding for grants and/or loan administration to help defray business' up-front costs of purchasing reusable foodware and reconfiguring kitchens;
3. Staff time to develop fact-sheets and FAQs for businesses;
4. Staff time to research possible methods to require compostable containers for pre-packaged prepared foods;
5. Staff time to work with recognized industry organizations to identify accepted standards for items that comply with compostability and health concerns in order to develop an approved list of compliant items;
6. Funding for a City-wide program to educate consumers on proper sorting of waste to ensure compostable disposables end up in the compost stream;
7. Funding to improve collection of compostable single-use foodware through increased service and quantity of city bins in high-traffic food take-out establishments;

8. Compliance enforcement costs to require customer-facing in-store compost bins for front-of-house compost collection;
9. Funding for development of a pilot program for standardized reusable to-go container system and/or establishment of a City-wide reusable container program;
10. Staff time to assess impacts of charges on low-income, transient stakeholders;
11. Staff time to review health codes and provide clarity on acceptable practices for Bring Your Own (BYO) containers, including creation of a guidance document and feasibility study;
12. Staff time to work with businesses to support the conditions of BYO containers;
13. Staff time to assess best alternatives to disposable plastic straws that are deemed acceptable for the disabled community, including the possible purchase of reusable silicone straws to be distributed by the City through the disabled community, commissions, and other sanctioned methods;
14. Staff time to coordinate with the Alameda County Waste Management Authority (StopWaste.org) to ensure the Ordinance language is consistent with existing Ordinances such as the Alameda County Reusable Bag Ordinance, including a review of the Reusable Bag Ordinance for consideration of the disposable container charge amount;
15. Staff time to examine best practices of local communities in Alameda County and cities bordering the City of Berkeley.

#### CURRENT SITUATION AND ITS EFFECTS

The Zero Waste Commission submitted recommendations to Council based on input obtained from the public and community stakeholders, including restaurants, food retailers, the disabled community, environmental organizations, StopWaste.org, and City commissions. The disabled community and a number of small businesses raised significant concerns regarding the impacts of the proposed Ordinance. The Zero Waste Commission recommendations address many of these concerns; however, if adopted, implementation of the Zero Waste Commission recommendations will require the coordination of City staff, including the Office of Economic Development, Environmental Health, Code Enforcement, and Public Works.

#### BACKGROUND

The Zero Waste Commission recommendations respond to the City Council referral approved at the April 24, 2018 Council meeting:

1. Refer the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the Zero Waste Commission to invite input from key stakeholders,

including restaurants and other food retailers and zero waste, plastics, oceans and other environmental experts, and hold public meetings to obtain input on the proposed Ordinance; and

2. Refer to the Zero Waste Commission to report back to the City Council results of the Commission's community outreach and analysis, and provide recommendations for improvements to the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.

The Zero Waste Commission held seven public input sessions, two of which were part of the extended public comment period at monthly Zero Waste Commission meetings, and compiled a report of recommendations based on their analysis of the comments received at these listening sessions and from written comments submitted by the public and stakeholders.

The Zero Waste Commission approved their recommendations for improvements to the Berkeley Single Use Foodware and Litter Reduction Ordinance at their September 24, 2018 regular meeting; (M/S/C) Sharenko/Stein; 7 Ayes: de Tournay, Twu, Poliwka, Sharenko, McKinstry, Stein, Whitney;  
Nays: None; Abstain: None; Absent: Watson, Clark.

#### ENVIRONMENTAL SUSTAINABILITY

If adopted, the proposed Ordinance will reduce the use of disposable foodware in Berkeley. The production, transportation, consumption, and disposal of single-use foodware is a major contributor to litter, storm water pollution, greenhouse gas emissions, recycling program contamination, and waste sent to the landfill. Reduced use of disposable foodware will decrease litter in Berkeley's streets and waterways and advance Berkeley's Zero Waste and Climate Action Plan goals.

#### RATIONALE FOR RECOMMENDATION

Adoption of the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance, including incorporation of the Zero Waste Commission recommendations would have a positive impact on our environment. It would also impact Berkeley businesses, community members, and City staff in various ways. Implementation and enforcement will require the coordination of City departments, including the Office of Economic Development, Environmental Health, Code Enforcement, and Public Works. Implementation would also require funding and create some challenges for businesses. Staff would like to present council with more comprehensive financial and programmatic analysis to support an informed decision.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

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CONTACT PERSON

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