

Berkeley's Proposed Single Use Disposable Foodware and Litter Reduction Ordinance

What Is It?

Based on Alameda County's highly successful single-use disposable bag reduction ordinance, [this Item](#) seeks to move Berkeley away from the most environmentally harmful disposable foodware and reduce the use of disposables overall, while helping businesses make the transition and realize potential savings.

Everyone knows the harmful effects of single use disposable foodware on marine animals and ecosystems. Less well known is the high cost for businesses to provide and dispose of these items, which must be purchased and stocked - and then recovered and disposed of - within the same day, or even the same hour. In addition, Single Use Disposables burden business districts and municipalities with high clean up and waste disposal costs, and blow into storm drains, creeks and the Bay. Ultimately, these items are costly, wasteful and cause significant environmental damage for the convenience of just a few minutes of use.

The Single Use Disposable Foodware and Litter Reduction Ordinance transitions Berkeley away from throw-away foodware and environmentally harmful plastics and provides incentives to limit waste while supporting small businesses with revenue, technical assistance, and mini-grants.

How Was It Created?

This ordinance and item were developed by the Ecology Center and the office of Berkeley City Councilmember Sophie Hahn in consultation with community organizations, business owners, city staff, civic leaders, elected officials and national and international experts. They were introduced in April 2018 and have gone through a rigorous public vetting process led by Berkeley's Zero Waste Commission, including 6 public listening sessions generating over 60 pages of comments, which were used to improve and refine the legislation. After incorporating many suggestions, the Item and Ordinance have been reintroduced by Councilmember Hahn with co-sponsorship by Mayor Jesse Arreguin, and will be considered by the Berkeley City Council for adoption at its January 22, 2019 meeting.

What Would It Do?

Starting Upon Passage of the Ordinance:

- Accessory Disposable Foodware (forks, straws, lids, condiment packages and other small disposable items) could only be provided by request or at self-serve stations.
- Food vendors could refuse to fill unsuitable or unsanitary cups provided by customers.
- The City of Berkeley could only purchase and use reusable or BPI Certified Compostable foodware at its own facilities and City-Sponsored events.
- Food Vendors that allow self-bussing would be required to provide three color-coded bins labeled for recyclables, compostables, and other waste.

Starting January 2020:

- Disposable Foodware would be required to be BPI Certified Compostable (the City will post a list of suppliers offering compliant foodware).
- Food vendors could seek waivers to use recyclable alternatives for foodware items not available or reasonably priced in compliant compostable formats.
- Food vendors would show a charge of \$0.25 for disposable hot and cold cups (total price of the beverage can remain the same or increase - the charge simply must be broken out, and if a customer supplies their own cup, the charge is not applied).
- The charge must be visible to customers on media such as menus, displays and receipts.

Starting July 2020:

- Food vendors offering eating “on the premises” (eat-in) may only use reusable foodware (durable/washable) for eating-in.
- Food vendors may either provide cleaning and sanitation facilities on-site or contract with a service (similar to a linen service) for off-site cleaning.
- Technical Assistance and Min-Grants will be available to support food vendors in establishing new facilities and practices to meet reusable eat-in foodware requirements.
- Hardship waivers will be available.

Enforcement:

The spirit of this legislation is to partner with food vendors to make transitions workable - and effective. Implementation is phased, and enforcement of each phase will focus on helping businesses make the transition. All enforcement must be preceded by a notice of non-compliance and the opportunity to cure or to request a waiver, and receive technical support.