



County of San Mateo's Disposable Food Service Ware Ordinance Summary

December 2019

A. Objectives

1. Eliminate the unnecessary distribution and use of disposable food service ware that is not reusable or compostable
2. Improve the health and safety of San Mateo County community members by eliminating disposable food service ware that is harmful
3. Help the County meet its regional stormwater permit requirement by reducing litter in stormwater discharges

B. Target Group

Food facilities: Any vendor, business, organization, entity, group, or individual, including a licensed retail food establishment that provides prepared food for public consumption

C. Target Area

This Ordinance will impact the unincorporated areas of San Mateo County.

D. Target Items

Disposable food service ware used to serve/distribute prepared food (e.g., items such as bowls, plates, clamshells, cups, straws, utensils, etc. designed to be discarded after a single or limited number of uses)

E. Summary of Ordinance Provisions

1. Accessories such as straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. shall be provided only (1) when requested by the consumer, (2) upon acceptance by the consumer after being offered by the food facility, or (3) at a self-serve area and/or a dispenser. Accessories will be distributed unbundled as separate individual units. Take-out food delivery services that utilize digital ordering platforms shall provide clear options for customers to affirmatively request accessories.
2. Polystyrene (#6 plastics, Styrofoam) disposable food service ware is prohibited. (This is a provision of an existing County policy, the polystyrene ban ordinance, which the County will be repealing and replacing with this Ordinance.)

3. Food facilities shall use disposable straws, stirrers, utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) made from *non-plastic, compostable* materials. *Non-plastic, compostable* is defined as, but not limited to, natural fiber-based materials such as paper, sugarcane, wheat stalk/stem, bamboo, wood, etc. Traditional plastics (petroleum-based) and compostable plastics (aka bioplastics or polylactic acid [PLA]) shall not be allowed for the abovementioned items.
4. Food facilities shall use *non-plastic, compostable* plates, bowls, cups, food trays, clamshells, boxes, deli containers, and other containers. These items may be lined with, but not made entirely of compostable plastic. Additionally, these items shall be certified by Biodegradable Products Institute (BPI) or by another 3rd party approved by the Office of Sustainability (OOS) to ensure that the items breakdown in an industrial composting facility and are free of/have minimal traces of harmful fluorinated chemicals.
5. Some notable exemptions that will be allowed are summarized below.
 - a. Disposable food service ware made from aluminum
 - b. Disposable plastic straws may be provided only upon request to consumers with medical needs
 - c. Healthcare facilities may distribute disposable plastic straws without a request from patients
 - d. Drive-through areas of food facilities may distribute straws and cup sleeves without a request from the consumer
 - e. If no reasonably feasible disposable food service ware alternative exists
6. The County of San Mateo OOS will maintain and have available a list of approved disposable food service ware sources and/or references to organizations that maintain regularly updated lists of products that meet the Ordinance requirements.

F. Education and Enforcement

The County of San Mateo OOS will be leading the education and enforcement of the Ordinance within unincorporated San Mateo County. If incorporated cities in the county adopt the County Ordinance for their jurisdictions, the OOS will take the lead in the education and enforcement efforts within their jurisdictions.

G. Timeline

1. The OOS will be bringing the final Ordinance to the County's Board of Supervisors for the first reading on January 28, 2020. The Ordinance will be brought to the Board for consideration for adoption on February 11, 2020.
2. If adopted, the Ordinance will not become operative and will not be enforced for one year. This is to provide food facilities time to use up their existing non-conforming inventory of disposable food service ware and to give OOS time to develop an education and enforcement program.