



Draft Disposable Food Service Ware Ordinance Proposal Summary

May 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 County meet its regional stormwater permit requirement goal by reducing litter in stormwater discharges

B. Target Audience

1. Food facilities: Any vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides/distributes *prepared* food

C. Target Area

1. This ordinance will impact the unincorporated areas of San Mateo County.

D. Target Items

1. Disposable food service ware (e.g., one-time use items - straws, bowls, plates, clamshells, cups, utensils, etc.)

E. Proposed Draft Ordinance Provisions

1. Polystyrene (aka Styrofoam) disposable food service ware is prohibited. (This is a provision of an existing County policy, polystyrene ban ordinance, which the County is hoping to amend with the addition of the proposed provisions listed below.)
2. Accessories such as straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. **shall** be provided only when requested by the consumer and/or provided to consumers at self-serve stations/dispensers.
3. Single-use straws, stirrers, utensils, and cocktail/toothpicks **shall** be made from *non-plastic compostable* materials. *Non-plastic compostable* is defined as, but not limited to, natural fiber-based materials such as paper, bamboo, sugarcane, wheat stalk, etc. Traditional plastics and compostable plastics (aka bioplastics) are not allowed.
4. Food facilities **shall** use *non-plastic compostable* plates, bowls, cups, food trays, clamshells, and other to-go take out containers that are accepted by the facility's food scrap composting service, if available. If no food scrap composting is available (e.g., no collection service provided by a

curbside hauler, no on-site food scrap composting, or no option for self-hauling to a nearby facility), recyclable versions of the materials listed above that are accepted at the entity's waste service territory **shall** be used.

5. The non-plastic compostable food service ware alternatives for items listed in bullet #4 above **shall** be Biodegradable Products Institute (BPI) certified or certified by another 3rd party approved by the Office of Sustainability to ensure that the items breakdown in an industrial composting facility and they are free of harmful fluorinated chemicals.
6. Exemptions will be allowed for:
 - Disposable food service ware that is made from aluminum (e.g., aluminum foil, etc.);
 - Consumers that require accommodations for medical reasons; and
 - If no reasonably feasible disposable food service ware alternative exists that meets the ordinance requirements.
7. The Office of Sustainability 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.