



Foodware Implementation Guide for Grocers

Updated: 5/4/21

Overview: Grocery stores, supermarkets, convenience stores, and other food purveyors that sell *ready-to-eat food that is prepared on-site* must meet the *County of San Mateo's Model Disposable Food Service Ware Ordinance* (Ordinance) requirements. Food prepared and packaged off-site, which is then shipped to the grocery store, etc. for distribution/sale does not need to comply with the Ordinance.

Definition of Prepared Foods: "Prepared Food" means food or beverages that undergo a cooking or food preparation process on the food facility's premises for consumption by the public. Cooking includes any application of heat (i.e., steaming, microwaving, roasting, etc.). Beverage preparation includes blending, brewing, diluting, pouring, etc. Food preparation also includes defrosting, rinsing, washing, portioning, mixing, coating, dipping, garnishing, decorating, or icing. Prepared food does not include whole fruits and vegetables, raw eggs or raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

Common Foodware Items: The following are examples of some of the more common disposable, single-use foodware items used by groceries that are impacted by the Ordinance:

Larger Items

- Plates
- Bowls
- To-go boxes
- Trays (single & multi-compartment)
- Clamshell containers
- Molded food containers
- Deli containers
- Soup containers
- Beverage cups (e.g., coffee, tea, etc.)
- Portion cups (e.g., sauce, condiments, etc.)
- Fry cups (e.g., french fries)
- Other containers/boxes

Accessories

- Utensils
- Straws
- Stirrers
- Cocktail sticks/toothpicks

Not Allowed: The foodware items above cannot be made from plastic, either traditional petroleum-based plastic or compostable plastic (a.k.a. bioplastic, PLA, PHA, etc.). Polystyrene-based items (includes Styrofoam items and all plastics with #6 chasing arrows) are not allowed for ANY type of food service ware.

Accepted Materials: The items above can be reusable¹ but are otherwise REQUIRED to be made from plant-based, non-synthetic fiber such as paper, bamboo, sugar cane, rice, wood, wheat stems, hay, wood, etc. Foodware made entirely of aluminum is allowed.

All of the “Larger Items” listed above, including containers lined with PLA or another compostable plastic coating, must be certified by the Biodegradable Products Institute (BPI). This assures that they will break down into compost in commercial composting facilities and will contain no to low quantities of harmful fluorinated chemicals (PFAS). Additional 3rd party certifications may be considered in the future.

The “Accessories” listed above do not need to be BPI-certified, although they must still be fiber-based (if they are not reusable).

Foodware Not Regulated by the Ordinance: Detachable lids (for both beverage cups and food containers) are not regulated by the Ordinance. However, fiber-based compostable lids that are PFAS-free are strongly encouraged. Plastic wrap, container seals, paper wrapping, tray liners, and bags for bread, baked goods, or other items are not regulated by the Ordinance. Their use is allowed.

For foodware items where there are no compliant fiber-based and/or PFAS-free options, groceries are still required to use disposable items that are accepted by the restaurants’ recycling or composting management programs (e.g., collection service provided by a curbside hauler, self-haul to local composting/recycling facility, and/or on-site food scrap composting).

Temporary Foodware Exemptions: Due to the lack of available acceptable alternatives on the market, pizza boxes, sandwich wedges, baked goods boxes (pie, cake, pastries), bottled juice/beverage containers (for beverages made on-site), rotisserie dome containers, and sushi trays are currently temporarily exempt. Specifically, this means that the items listed above do not have to be natural fiber-based and/or PFAS/fluorinated-chemical free. These exemptions may be lifted in the future as more compliant products become available and/or new items may become temporarily exempt. So it is important to check the [FoodWare Aware Purchasing Guide](#) often and as new items are ordered.

Accessory Distribution:

ALL accessories, including utensils, napkins, condiment packets, cup sleeves, spill plugs, and other accompanying foodware side-items must be made available ONLY UPON REQUEST. This requirement can be met if the customer requests an item, if the customer accepts an offer by the food operator, or the item is made available at a self-service kiosk (see below for Half Moon Bay specific requirements for accessories).

When being distributed, ALL accessories must only be made available as unbundled, separate items (i.e individual forks, spoons, chopsticks, napkins, etc). This is to ensure that only items that are needed by the customer are being distributed. If the individual accessories are packaged, the packaging will need to be fiber-based (no plastic packaging).

¹ *Reusable in this case means collected, washed, sanitized, and reused on-site or through a third-party reusable foodware service provider. Using reusable foodware is currently optional and not required by the Ordinance. However, the County encourages restaurants to use reusables whenever possible and offers technical and financial assistance to help your facility use reusable foodware..*

Grocery staff can distribute *plastic* straws when specifically requested by persons to accommodate their medical needs or disabilities. The person requesting the plastic straw does not have to declare/verify that they have a specific medical need. Grocery staff is not required to verify/check that the person asking for the plastic straw has a medical need.

Grocery Section Guidance

Below are sample food items that need to be packaged and/or served with compliant foodware:

- *Deli*: Foods prepared on-site and served for direct consumption, including made-to-order sandwiches, pizza, burritos, display case dishes, “grab and go” meals, salads, dips, spreads, cooked meat and fish, as well as sauces and dressings. Sandwich wrapping is not regulated by the Ordinance, so groceries can use their preferred brand/item.
- *Food Bar*: Salad bar, soup bar, olive bar, hot bar, rotisserie, and any other ready-to-eat food items, including sauces and dressing prepared on-site
- *Bulk*: Ready-to-eat bulk bin items such as nuts, seeds, granola, seasoning, as well as fresh ground nut butters and citrus pressing machines. Bags, including plastic produce bags, are acceptable for these items.
- *Bakery*: Cakes, pies, breads, pastries, and all baked goods prepared and packaged on-site. Hinged containers/boxes specifically for grab-and-go food items (where the customer needs to see the items within) can have a clear plastic film window. Hinged containers for non-grab-and-go food items (where the customer picks the item from the display that is then placed in a box) cannot have a plastic film window. However, these types of baked good boxes are temporarily exempt from the Ordinance. All bags, either paper or plastic, are acceptable.
- *Grocery*: Any other items that are prepared on-site for direct consumption such as salsa, hummus, fruit, sauces, yogurt parfait, fresh-pressed juice. Bottled juice containers specifically for juices made on-site are temporarily exempt from the fiber-based and PFAS-free requirements of the Ordinance. However, glass bottles are recommended as sustainable alternatives.
- *Meat & Fish*: Cooked, or otherwise ready-to-eat meat or fish, including sushi. Raw meat and fish not ready for human consumption (i.e., needs to be cooked) sold in a butcher case, a refrigerator case, or similar retail appliance does not need to comply with the requirements of the Ordinance.
- *Cheese*: Cheese curds, fresh mozzarella, or other cheese prepared on-site and packaged in containers. Plastic or paper wrapping is allowed.
- *Produce*: Fruit and vegetables purchased in pre-packaged containers and shipped to grocers for sale do not need to comply with the Ordinance. Plastic produce bags are permitted.
- *Café*: Coffee, juices, smoothies, snacks prepared and/or packaged on-site.

Digital ordering: For groceries that provide digital (web-based and smart-phone) ordering service (either their own or 3rd party service [e.g., DoorDash, Uber Eats, etc.]) for prepared food that's made on-site, they must provide clear options on the digital platform for customers to opt-in and actively request each individual separate accessory items for their order (e.g., each fork, spoon, straw, etc.).

Disposal: If appropriate, customers should be directed to deposit their disposable foodware items in the appropriate organic or recycling bins.

City of Half Moon Bay's Disposable Foodware Ordinance Requirements

The below requirements for the City of Half Moon Bay are different from the County of San Mateo's Ordinance:

- The City of Half Moon Bay requires that food facilities provide **reusable** foodware in place of disposable foodware wherever practical.
- The City of Half Moon Bay stipulates that restaurants can only distribute accessories when specifically requested by the customer. Restaurants CANNOT use self-service kiosks/dispensers to distribute accessories and CANNOT proactively offer accessories to their customers.