

Foodware 2.0 Framework

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Types of Food Businesses*

Dine-In

- ▶ Fast Casual
- ▶ Premium Casual
- ▶ Fine Dining
- ▶ Bar and Pub
- ▶ Buffet
- ▶ Cafeteria

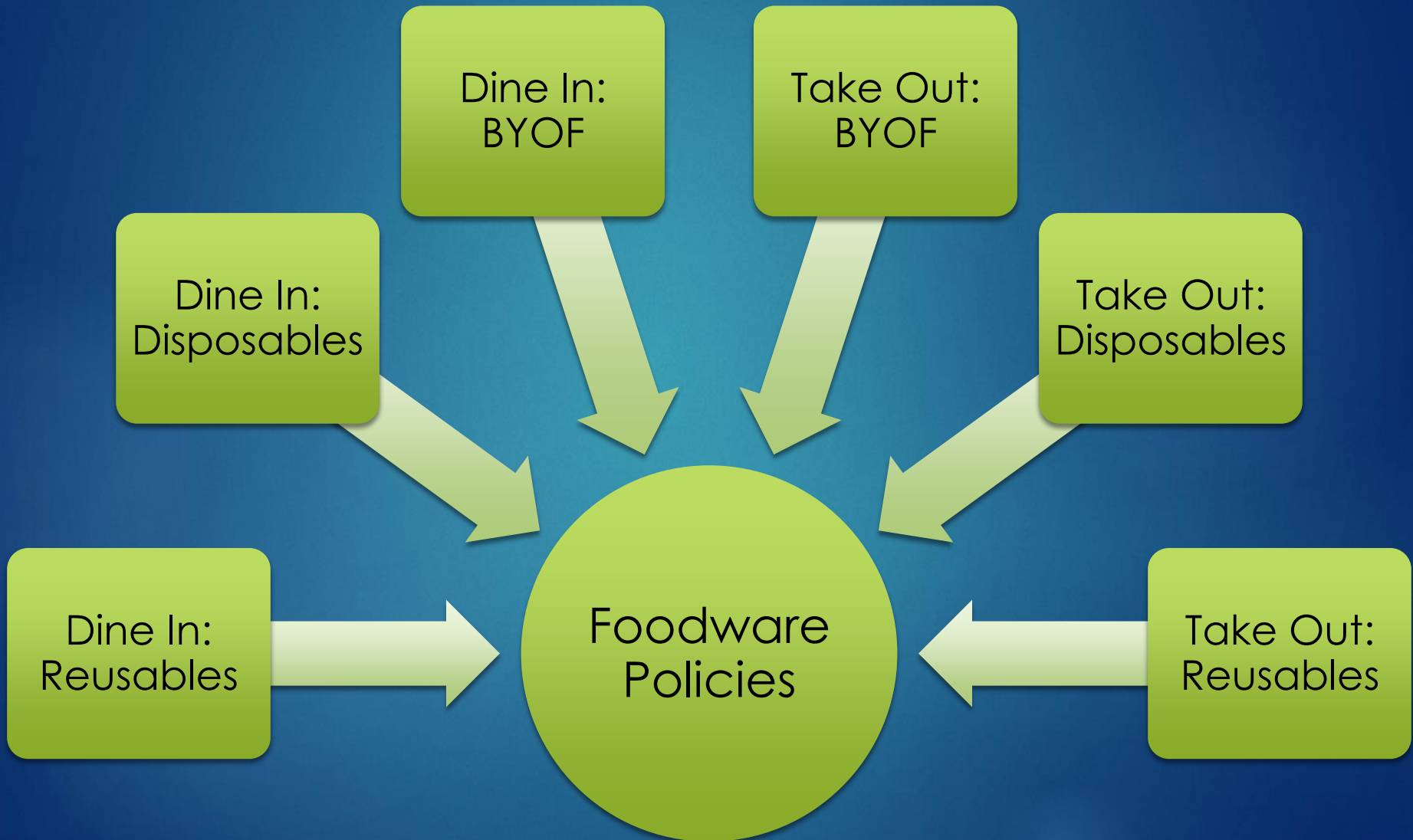
Take-Out

- ▶ Café
- ▶ Quick Service
- ▶ Take-Out inside the venue (e.g. movie theater)
- ▶ Delivery (e.g. pizza)
- ▶ 3rd party delivery service (e.g. DoorDash)

Mobile

- ▶ Public Event (Temporary Food Facility)
- ▶ Food Truck (Mobile Food Facility)
- ▶ Caterer

Foodware Framework



6 Key Programs

- ▶ **1. Compostable and Recyclable Standards for Disposables***
 - ▶ Require that disposable foodware meet the standards of the jurisdiction and not what the business or some other entity decides is “compostable” or “recyclable”.
 - ▶ Bioplastics are a big part of the decision – are they compostable in your program’s composting system?
 - ▶ Does your compost processor accept and/or compost bioplastics or screen them out before or after the composting process and landfill the foodware?
 - ▶ Toxicity standards – Fluorinated compounds, etc.
- ▶ **Exemptions: Consider whether some foodware materials are recyclable (e.g. metal products such as aluminum foil and/or aluminum trays etc.) Consider whether paper and/or plastic film materials will be excluded from the requirement (e.g. paper for a slice of pizza.)**

6 Key Programs

- ▶ **2. On-Request Disposables (Take-Out & Dine-In)**
 - ▶ The business staff must ask if the customer wants the disposable foodware (e.g. a straw, lid etc.) before providing it. Bar staff would need to ask customers if they want a straw with their cocktail.
 - ▶ Allow customers to use their own foodware on-site (e.g. straws).
 - ▶ Self-service stations could be provided for some items.
 - ▶ Consider whether pre-packaging of items together behind the counter will be allowed. (e.g. for a cup: the lid, condiments, sleeve etc.)
 - ▶ Consider how these programs will work if/when a charge for disposables is instituted. For example, the self-service concept may not work if the items are only given to the customer after a charge has been paid.
- ▶ **Exemptions:** For ADA reasons, municipalities may want to consider allowing plastic straws to be given out from behind the counter upon request to any customer without any charge for on-site dining to allow differently-abled customers to use that straw for their beverage.

6 Key Programs

▶ 3. Bans

- ▶ For the types of disposable or reusable foodware or food-related materials that are problematic for composting, recycling or toxicity reasons, consider banning them (e.g. Styrofoam/EPS, plastic straws, PVC, plastic bags etc.)
- ▶ In some situations, charges may be preferable to bans. Plastic bags in California might have been easier to regulate with a charge than with a ban, but this option was taken away from municipalities by State law after San Francisco passed their plastic bag tax.
- ▶ Environmental Impact Reports (under CEQA) may not be required with charges, but are often required for bans since they may establish a preference (or appear to) for certain types of materials.
- ▶ Exemptions: Consider the alternatives to the banned product and whether they are better in all situations. Plastic straws may be the best option for some people so consider exemption for those situations. Styrofoam/EPS may still be allowed for raw meat.

6 Key Programs

- ▶ **4. Reusables for Dine-In**
 - ▶ Require that existing businesses use reusables for customers that are eating their food on the premises and not taking it to-go. Consider requiring demonstration of dish-washing capacity with business license renewal.
 - ▶ Existing businesses that cannot provide dish washing on-site can consider using a business that will provide a dish washing service off-site.
 - ▶ Require new businesses to install dish washing equipment (on or off-site) before a building permit.
 - ▶ Add dish washing capabilities to plan check requirements.
 - ▶ Add dish washing inspection/requirements to business license/code enforcement/public health inspections and procedures.
- ▶ **Exemptions: Consider space, time to comply, waivers for defined periods of time, security, cost and other operational issues.) Caterers may be a special category and when serving within or outside the jurisdiction.**

6 Key Programs

- ▶ **5. Charges for Disposable Take-Out Foodware**
 - ▶ Consider the amount of the charge. Studies show that 25 cents is an effective amount.
 - ▶ Consider the types of foodware to be charged. Starting with beverage containers and adding other food containers later may be a good strategy.
 - ▶ Consider whether the business will be able to keep the charge. If the government takes all or a portion of the charge then it can become a tax and the policy may need voter approval.
 - ▶ If the business can keep the charge, then consider adding a section to the ordinance to require that the business use the charge funds for defined purposes related to implementing the required elements of the ordinance. This may allow the charge to be considered non-taxable revenue.
- ▶ **Exemptions:** If no reusables program for delivery take-out food is anticipated, then consider whether a charge on delivery take-out foodware makes sense.

6 Key Programs

- ▶ **6. Reusables for Take-Out**
 - ▶ **BYOF – customers could bring their own reusable foodware for the take-out food (e.g. a reusable mug for coffee)**
 - ▶ **Business program – the business can set up their own program for their own customers (e.g. a reusable mug for coffee with their logo on it)**
Options include:
 - ▶ A deposit to get the container back at the next customer visit
 - ▶ A charge for a “Souvenir” container
 - ▶ A charge for a drop-off program set up in other locations (for chain stores)
 - ▶ **Municipality-wide program**
 - ▶ The Municipality could establish and/or fund a jurisdiction-wide program with an RFP for a 3rd party vendor or other mechanism.
- ▶ **Exemptions: Consider the geographical limits of the program and possible pilot areas. Consider which types of businesses will be required to participate.**