



Foodware Implementation Guide for Restaurants

Updated: 5/4/21

Overview: Restaurants, including fast food, dine-in, fast-casual, cafes, catering companies, and other foodservice businesses, must meet the *County of San Mateo's Model Disposable Food Service Ware Ordinance* (Ordinance) requirements for both dine-in and take-out service. The following are examples of some of the more common disposable foodware items used by restaurants that are impacted by the Ordinance:

Larger Items

- Plates
- Bowls
- To-go boxes
- Trays
- 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 or low quantities of harmful fluorinated chemicals (PFAS). Additional 3rd parties 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).

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.

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, restaurants 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).

Restaurant 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. Restaurant staff is not required to verify/check that the person asking for the plastic straw has a medical need.

Drive-throughs: For beverage orders specifically made at drive-throughs, straws and cup sleeves may be distributed for safety reasons without the need for a request by the consumer.

Digital ordering: Restaurants that provide digital (web-based and smart-phone) ordering service (either their own or 3rd party service [e.g., DoorDash, Uber Eats, etc.]) must provide clear options on their digital platforms for customers to opt-in and actively request each individual accessory item 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.