



**DATE:** December 14, 2022

**TO:** Waste Management Authority Board

**FROM:** Justin Lehrer, Operations Manager

**SUBJECT:** Reusable Foodware Project and Model Ordinance Update

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## **SUMMARY**

Single-use foodware items like plastic and paper cups, plates, and utensils are prevalent in daily life. They serve a very short useful life of just minutes, while their impact on human health and the environment is significant and long lasting. Replacing single-use foodware with durable reusable alternatives is essential to preventing the waste and litter that disposables create.

StopWaste's Reusable Foodware project focuses on developing policy, infrastructure, and capacity for greater adoption of reusable foodware in Alameda County. Project activities include grants, technical assistance, outreach, and development of a model ordinance, among others. At the December 2022 Waste Management Authority Board meeting, staff will provide an update on these efforts and request input from the Board to guide development of the model ordinance.

## **DISCUSSION**

At its January 2020 meeting, the WMA Board directed staff to conduct research and fund pilot projects to better understand the challenges and opportunities of implementing reusable foodware for various types of foodservice operations in Alameda County. COVID-19 impacted the timing of this effort; impacts on food service businesses and public perception of the safety of reusables curtailed reusable foodware activities. In light of these challenges, the project team responded by providing outreach materials to address safety concerns during the pandemic while also funding four pilot projects in FY 2022. This year, the team has continued to focus on development of pilot projects, and has expanded activity on several fronts, including increasing technical assistance for food-serving businesses, developing outreach materials and plans, and working to develop a model reusable foodware ordinance for potential adoption by member agencies.

### Pilot Projects

The Agency's Reuse and Repair Grants, solicited annually in January, have attracted a growing field of organizations interested in launching reusable foodware projects in the county. In the current fiscal year, we have supported six additional projects so far with \$175,000 in funding to test and

launch innovative reuse activities. Through these projects we aim to test new solutions, further develop both market supply and demand for reusables, and gain a better understanding of the opportunities, requirements, and challenges we must address to build a more robust reuse infrastructure in the county.

#### Technical Assistance (TA)

Working directly with food service businesses to help them make the switch from single-use to reusable foodware has been the foundation of our work in this realm for over five years. Food businesses that serve dine-in meals on single-use foodware are particularly good candidates and are easier scenarios to realize financial savings and implement solutions quickly. This year the Agency has expanded our work with Clean Water Fund's Rethink Disposable program to offer field support that extends beyond these "low hanging fruit" opportunities to include support and resources for implementing reusables in other scenarios, such as takeout, corporate/institutional campuses, meal delivery, and more. This technical assistance is available countywide, and includes turnkey, hands-on support as well as financial incentives up to \$2,500 to help businesses cover the up-front costs of switching to reusables. In addition, we have established a framework for interested member agencies to contribute additional funds to the TA contract and receive increased, targeted support in their jurisdiction for recruiting additional businesses and supporting their transition to reusables.

#### Outreach and Education

Our outreach to date has primarily focused on the safety of reusables and includes a one-page flyer that StopWaste developed in partnership with the County Environmental Health Department, designed to inform businesses that it is safe to accept customer provided reusables and to use reusables of any type as long as they are properly cleaned and sanitized between use.

Additional outreach work has been geared toward attracting reusable food service vendors to our region. This effort has been successful; we are aware of approximately 20 operators offering various services, and we actively work to facilitate connections between interested parties and these service providers.

We are now developing additional outreach materials for businesses in multiple languages, updating our website with more resources, and exploring concepts for an outreach campaign in support of reusables.

#### Model Ordinance

In tandem with the above activities, development of a model reusable foodware ordinance is in progress. The primary objective of the ordinance is to reduce consumption of certain problematic single-use foodware items, such as plastic and paper cups, plates, and utensils. These items have a short useful life (often only used for minutes) and must be managed, sorted, and successfully routed to a landfill at considerable expense and environmental impact. There are multiple benefits that can be realized through a policy addressing foodware, including a reduction in litter, plastic pollution, and compost contamination. However, switching from single-use plastics to other materials that may be considered "less bad," or "friendlier to the environment," such as compostable fiber or plastic, will not reduce consumption, and the foodware must still be managed

and sent to compost facilities that, due to regulatory and/or technical issues, increasingly will not accept such materials, or will screen them out as contaminants and send them to landfill. Compostable plastics can also contaminate recycling streams, and vice versa—recyclables can contaminate the composting stream. Reusable foodware is the best option for reducing food packaging waste at the source and shifting away from the disposable culture that has become a societal norm.

Development of the model ordinance involves leveraging a significant amount of work that precedes this effort. Over 15 jurisdictions in California have passed reuse for onsite dining ordinances, and many more have passed foodware ordinances prohibiting plastic straws and defining acceptable disposable foodware materials.

StopWaste's model ordinance incorporates concepts and lessons learned from these prior efforts, and introduces some innovative concepts designed to advance progress and further incentivize reuse while minimizing unintended consequences, especially related to regrettable disposable substitutes. Some key provisions could include:

1. Reusable foodware required for all dine-in establishments
2. Requirement to accept customer-provided reusables
3. Fees to disincentivize single-use foodware combined with incentives for reusables
4. Defined criteria for acceptable single-use foodware

Some innovative concepts that may further increase the impact of the ordinance include:

1. Reusable cup requirement for large venues and events
2. Adequate washing capacity a requirement for new business permits
3. Reusables requirements for government facilities

The model ordinance is structured to suggest implementation in sequential phases, advancing from the most impactful and simple measures in the first year of adoption, such as dine-in and closed campus environments, then advance to address reusables for takeout, venues/special events, and other more challenging scenarios. The model ordinance offers comprehensive policy language while preserving maximum flexibility for member agencies to advance an approach that meets their needs, such as opting to include some elements while leaving others out or scheduling them for a later implementation phase.

### StopWaste's Role

In addition to developing the model ordinance language, StopWaste can play a supportive role to member agencies interested in implementing the ordinance in several ways:

- Assist member agency staff to customize elements based on local priorities
- Support stakeholder engagement and data gathering/analysis efforts
- Support City Council presentations for ordinance adoption
- Offer various levels of technical assistance, including incentive funding for businesses
- Develop general outreach materials (geared for countywide use, but customizable)

- Provide grant funding for development of a reuse infrastructure in the county

Member agencies will be responsible for implementation, enforcement, and direct outreach to their affected communities.

#### Implications of SB 54

There is a clear nexus between the work we are currently undertaking to reduce single-use foodware and the goals of SB 54, which mandates a 25% reduction of single-use plastic packaging and foodservice products by 2032, with half coming from reuse and refill systems or direct elimination of plastic packaging. StopWaste plans to participate actively in the upcoming rulemaking process, contributing input and local government perspective as CalRecycle defines a list of covered materials deemed recyclable and compostable by January 1, 2024, and continuing through adoption of the full regulations in January 2025. Member agencies considering adopting the model reusable foodware ordinance can plan to complete the process before these dates to avoid conflicts with state law.

#### Feedback Requested on Model Ordinance

At the December 14 meeting, staff will request Board input on several provisions being developed for inclusion in the model ordinance, including defining fees that consumers would pay for single-use items (similar to existing fees on plastic bags), prohibiting or reducing single-use foodware in local government operations and city-sponsored events, effective ordinance implementation, and more.

#### Next Steps

Staff will continue to work through open issues and incorporate stakeholder feedback, obtain legal analysis of the ordinance language, and return to the Board in early 2023 with a proposed version of the model ordinance for consideration.

#### **RECOMMENDATION**

This item is for information only.