



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: October 30, 2018
TO: Christine Daniel, City Manager
FROM: Andrew Clough, Public Works Director
SUBJECT: **Consideration Of Amendments To Chapter 14, “Food Service Waste Reduction,” Of Title 6 Of The Emeryville Municipal Code**

RECOMMENDATION

Staff recommend that at this study session, the City Council consider proposed changes to Chapter 14, “Food Service Waste Reduction,” of Title 6 of the Emeryville Municipal Code.

BACKGROUND

In April 2007, the Emeryville City Council adopted Chapter 14, “Food Service Waste Reduction” of Title 6 of the Emeryville Municipal Code (Ord No. 07-004). This chapter prohibits the use of polystyrene foam disposable food-service ware and requires the use of compostable or recyclable food-service ware by food vendors and City facilities, unless the food vendor can demonstrate a biodegradable/compostable or recyclable product is not available for a specific application.

Three alternative amendments to this chapter are proposed for Council’s consideration: Option 1 would require that single-use straws, lids, stirrers, and beverage plugs be available only at the customer’s request. Food vendors would be permitted to have these items available for the customer’s use at locations within the establishment, but would not simply provide the items to each customer without a request. Option 2 prohibits food vendors from providing plastic-containing single use straws, stirrers, beverage plugs, or lids. Option 3 is a phased approach, adopting the Option 1 conditions until December 31, 2019 and then implementing Option 2 on January 1, 2020.

DISCUSSION

Disposable food-service ware is slow to degrade, widely prevalent as litter within the City, and in and along the City’s waterways. Substitutes and alternatives to single-use disposable food-service ware are currently widely available and affordable. Requiring customers to request or obtain disposable straws, lids, stirrers, and beverage plugs will provide an opportunity for them to consider whether the item is needed. As members of the public are educated on the environmentally destructive nature of single-use products, more will choose to forego the use of unnecessary items.

While certain plastics can be recycled, the vast majority of single-use straws, lids, stirrers and beverage plugs are discarded into the solid waste stream and landfills. These items cannot be recycled due to their small size, which can damage sorting machinery, and due to their lack of resin code for sorting. These plastics, generally made from petroleum and

containing potentially hazardous additives, will persist in the environment for hundreds of years. They pose a particular hazard to wildlife, since they are small enough to eat, and are reported to cause a 50% mortality rate for animals that mistake them for food (finalstrawcornwall.co.uk).

Half a billion straws, and a comparable number of disposable lids, are used daily in the United States. The California Coastal Commission's data from 1989-2014 coastal cleanups show that these small, often unnecessary, items comprise almost 13% of the litter found on beaches and along waterways in California.

AB 1884, signed into law in September 2018, amends the California Public Resources Code to add Section 42359 to prohibit a food facility, as specified in Section 113789(a) of the Health and Safety Code, where food may be consumed on the premises, from providing single-use plastic straws to consumers unless requested by the consumer. This state law only applies to restaurants that meet several requirements, including assigned seating. Most food service establishments in Emeryville are not covered by the legislation. This proposed amendment to Emeryville's Food Service Waste Reduction requirements would include the state's restrictions per AB 1884, and broaden the requirements to cover all types of food service businesses and to include lids, stirrers, and plugs.

Neighboring cities including Oakland, Berkeley, Alameda and San Francisco have adopted or are considering adoption of new policies with regard to straws and/or other disposable food-service ware. Berkeley has not yet finalized its proposal. Alameda and Oakland's Ordinances allow plastic straws on request or self-service only. San Francisco's Ordinance is by request/self-service, but goes further by requiring that all straws, stirrers, toothpicks, beverage plugs, and cocktail sticks be plastic-free.

FISCAL IMPACT

There is no known fiscal impact to the City; business owners may derive cost savings from these measures.

STAFF COMMUNICATION WITH THE PUBLIC

This issue has been discussed at regional meetings including that of the StopWaste Board, as well as at Emeryville's Sustainability Committee.

CONCLUSION

This ordinance aims to change consumer habits within the city to reduce the amount of disposable food-service ware that ends up in the environment. There are potential economic benefits to small businesses; other cities have found that a "by request" straw policy cuts straw costs by 50% to 90%, as many customers don't ask for these items if they are not automatically presented to them.

PREPARED BY: Nancy Humphrey, Environmental Programs Supervisor

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager