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**From:** Sheri Hartz  
**Sent:** Tuesday, October 30, 2018 9:07 AM  
**To:** \*DL\_City\_Council <DL\_City\_Council@emeryville.org>  
**Cc:** Chadrick Smalley <csmalley@emeryville.org>; Nancy Humphrey <nhumphrey@emeryville.org>  
**Subject:** Response to Council Member Question re: Study Session - Eco-Foodware Ordinance

Dear Mayor and Council Members,

A councilmember asked whether staff had conducted outreach to the business community in advance of the study session on Eco Foodware scheduled for October 30<sup>th</sup>. Below and attached for your information are the email and staff report that were sent out to 49 people, including the hotel and café/restaurant contacts for which we had email addresses.

As of this morning (Tuesday), staff has not received any responses from businesses.

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**From:** Chadrick Smalley  
**Sent:** Tuesday, October 23, 2018 11:02 AM  
**To:** Chadrick Smalley <[csmalley@emeryville.org](mailto:csmalley@emeryville.org)>  
**Cc:** Nancy Humphrey <[nhumphrey@emeryville.org](mailto:nhumphrey@emeryville.org)>  
**Subject:** Information re: upcoming study session on Eco-Foodware ordinance

Emeryville restaurant businesses-

I am forwarding information below regarding an upcoming City Council Study Session regarding the Eco-Foodware ordinance. Also, I have attached the staff report to the City Council for your information. If you have questions, please see Nancy Humphrey's contact information below:

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On July 9, 2018 the City's Sustainability Committee discussed waste concerns around small plastic disposable foodware. As a result of this discussion, the Committee recommended the City Council hold a Study Session on the topic, to consider changes to the City's Eco-Foodware Ordinance. The Study Session is scheduled for 6:00 pm on Tuesday, October 30. The Council will discuss three proposed options for an update to the ordinance with the aim of addressing the waste concerns around small plastic disposable foodware including straws, lids, stirrers, and beverage plugs.

The three options, in a nutshell, are:

- 1) To require that customers request or obtain these items themselves. In this case, a self-service area for these items would meet the requirement. Many food providers already use this model, and nothing would change for those providers if this option were chosen.
- 2) To adopt the model described above for a period of a year or more, followed by a ban on disposable plastic-containing straws, lids, stirrers and beverage plugs.
- 3) To ban plastic-containing straws, lids, stirrers and beverage plugs as the Council's initial action.

Disposable foodware is slow to degrade in the environment, and is widely prevalent on City streets and in the Bay and other waterways, and since it is small enough to eat, they are reported to cause a 50% mortality rate for animals that mistake them for food. These items are not readily recycled due to their small size and lack of resin code for sorting. Substitutes and alternatives to single-use disposable foodware are currently widely available and affordable. Furthermore, requiring customers to request or obtain these items will provide an opportunity for them to consider whether the item is needed, and over time, more will choose to forego the use of unnecessary disposable items. Over time, costs to businesses may decrease as fewer of these items are used.

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 foodware. You may also have read about a new state law prohibiting the distribution of straws at certain food service establishments except on request; that law applies only to full-service restaurants with assigned seating. The proposed changes to Emeryville's ordinance could affect all food service providers.

The existing ordinance is in Chapter 14, "Food Service Waste Reduction," of Title 6 of the Emeryville Municipal Code, and can be found here: <https://www.ci.emeryville.ca.us/1164/Eco-Foodware-Ordinance>

Nancy Humphrey  
Environmental Programs Supervisor

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