

El Cerrito City Council
Proposed
Foodware Ordinance

November 2, 2021



PRESENTATION OUTLINE

Background

Reasons for Updating Ordinance

Key Changes & Amendments

Process & Public Input

Consistency with City Policies

Staff Recommendations / Next Steps

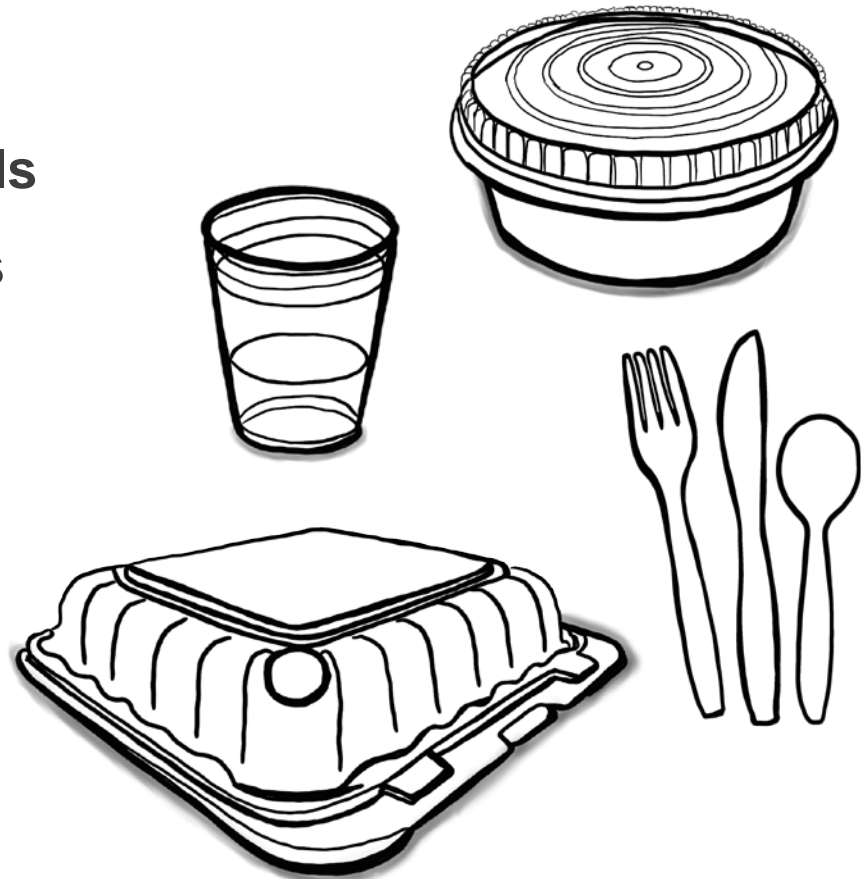
BACKGROUND

- City currently has a Foodware Ordinance adopted in 2013
 - *Prohibits Expanded Polystyrene Foam (“Styrofoam”) containers*
 - *Requires foodware to be packaged for takeout in reusable, recyclable, or compostable containers*
- Proposed ordinance would **phase out disposable plastic foodware** items within the City
- All **food providers** in the City would be covered
 - *Consistent with current Foodware Ordinance*



What is Disposable Foodware?

- x Containers
- x Bowls
- x Plates
- x Trays
- x Cartons
- x Cups
- x Lids
- x Utensils
- x Straws
- x Etc.



REASONS FOR UPDATING ORDINANCE

- Improves environment
 - *Reduces litter and pollution, chemicals in foodware, amount of waste being sent to landfill!*
- Improves stormwater quality
- Reduces recycling contamination and costs
- Decreases GHG emissions
- ***Aligns with the City's Climate Action Plan and Strategic Plan goals!***

KEY CHANGES & AMENDMENTS

Proposed Foodware Ordinance Features:

- Foodware items required to be reusable or compostable and free of per- and polyfluoroalkyl substances (PFAs)
 - *There will be exceptions for products with no available substitutes*
- Permitted straws **must only be provided upon request**
- Exceptions for plastic straws available upon request to meet needs of people with medical needs or disabilities
- Hardship waivers may be granted to food providers who apply

- City required to procure and use reusable or compostable foodware as well
- Implementation will begin **July 1, 2022**
- City will assist food providers by **providing resources, training, technical support, and build public awareness** to support a smooth transition
- Enforcement will begin **January 1, 2024**

PROCESS & PUBLIC INPUT

Proposed Foodware Ordinance Timeline



Public Engagement & Feedback

- Letters to affected businesses
- A factsheet in three languages hand-delivered to applicable businesses, in February 2020 and September 2021
- Articles in a variety of city publications, including bill-inserts sent to all businesses
- Public meetings in March 2020 and September 2021 at the Economic Development Committee, Environmental Quality Committee, and Chamber of Commerce
- Accepted comments on draft ordinance on the City's website from August-September 2021

Public Feedback

- **Incorporated comments:**
 - A longer enforcement timeline to give time for food operators to transition and adjust for any additional costs
 - A specific prohibition of products that contain intentionally added fluorinated chemicals

- **Community members also expressed a desire to:**
 - Begin the enforcement period sooner than 1/1/24
 - Require all single-use foodware to only be offered for a fee
 - Require single-use foodware accessories to be provided by request (which is being addressed by State law effective 6/2022)
 - See the City continue to develop policies that focus not just on plastic foodware, but all uses and sales of single-use plastic

What Messaging Will Look Like



**Reusable
foodware
preferred.**
It is better for
the environment
and saves
money for you.



**Compostable
foodware is
compliant.**
It breaks down
better than
alternatives and
can go in the
green waste bin.



**Plastic foodware
would be
prohibited in the
City of El Cerrito
through these
proposed changes
to the foodware
ordinance.**



Note: A brochure – with vendor, supplier, and product resources – will be produced in 2022, to ease the transition for businesses.

CONSISTENCY WITH CITY POLICIES

➤ **Climate Action Plan**

- **Waste Goal:** Reduce waste going to the landfill
- **M.4.3:** Waste reduction strategies at City facilities

➤ **Strategic Plan**

- **Goal F:** Foster environmental sustainability by reducing the amount of waste generated in El Cerrito
- **Goal E:** Ensuring the public's health and safety by supporting initiatives that decrease pollution

➤ **Municipal Regional Permit**

- Reduce litter entering stormwater sewer systems

Alignment with State Laws:

- **AB 1200** (*PFA ban in compostable food packaging*)
 - Starting January 1, 2023, prohibits distribution or sale of any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAs

- **AB 1201** (*Compostable labeling*)
 - Prohibits the sale of products (any product, not just plastic products) labeled with the term “compostable” or “home compostable” unless the product satisfies a specified criteria
 - State to develop labeling requirements for compostable products to ensure that they are readily identifiable by both consumers and composting facilities

- **AB 1276** (*Foodware upon request*)
 - Expands the plastic straws upon request law to include other single-use food accessories, other food facilities, and third-party delivery platforms - including food that is taken away, delivered, or served on-site
 - Requires cities to “on or before June 1, 2022, authorize an enforcement agency to enforce this requirement”

NEXT STEPS

- Consider adoption of the Proposed Ordinance amending Chapter 8.24
- If adopted, staff will produce resources to make it easy for food providers



QUESTIONS & COMMENTS

