

LEGISLATIVE DIGEST

[Environment Code - Promotion of Reusable Food Service Ware]

Ordinance amending the Environment Code to require food vendors to charge customers \$0.25 for each non-reusable beverage cup and \$0.25 for each non-reusable food container, provide reusable food service ware for on-premises dining, and provide customer-accessible self-bussing stations; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 16 of the Environment Code presently prohibits sale, use, and distribution within the City of non-reusable food service ware items that are not compostable or recyclable, are made with fluorinated chemicals, or are made with polystyrene foam. It also prohibits sale, use, and distribution of other specified types of polystyrene foam products, specifically packing materials, coolers, pool or beach toys, and dock floats or navigation markers, that are not encased with a more durable material, and egg cartons and meat and fish trays for raw meat or fish made with polystyrene foam. Chapter 16 in addition provides for use of reusable beverage cups at certain events inside City facilities or subject to City permits, and further requires that non-reusable food ware accessories, such as forks and napkins, be provided only on request or at self-service stations. In addition, notwithstanding any other provisions in the ordinance, plastic straws may be made available to customers upon request.

The California Health and Safety Code sets forth uniform statewide health and sanitation standards for retail food facilities. Several provisions regulate use and sanitation of reusable food service ware, and specify circumstances under which food businesses may use non-reusable and/or reusable food ware. Assembly Bill 619 enacted in July 2019 will, beginning in January 2020, permit temporary food facilities that meet certain qualifications to serve in reusable food ware, and allow qualified food vendors with written contamination prevention procedures in place to fill customers' own clean reusable food ware.

Amendments to Current Law

Beginning July 1, 2020, this ordinance would require certain food vendors to provide reusable food service ware for on-premises dining and to provide customer-accessible self-bussing stations. Food vendors, and third-party platforms or services processing delivery orders, would be required to offer options for customers to request non-reusable food service ware accessories, and provide each accessory only upon the customer's specific affirmative request for that accessory item (i.e. each fork, knife, or napkin).

Beginning January 1, 2021, food vendors would be required to charge 25 cents for each non-reusable cup provided with a purchased beverage. And beginning January 1, 2022, formula

retail food vendors would be required to charge 25 cents for each non-reusable food ware container provided with prepared food. Non-formula retail food vendors would be required to impose such a 25-cent non-reusable food container charge not earlier than January 1, 2023, and only upon a determination from the Director of the Department of Environment that feasible reusable container options exist. The ordinance would require all such charges to be separately on customers' receipts, and for food vendors to notify customers of an applicable charge prior to completing their orders. Third-party mobile application platforms and delivery companies that process and/or deliver prepared food would be required to remit all such charges collected back to the food vendor.

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