



Disposable Foodware Ordinance FAQ

The City of Half Moon Bay is considering replacing the existing Styrofoam ban (Chapter 7.30) with an ordinance that mirrors the County of San Mateo's Disposable Food Service Ware Ordinance adopted on February 25, 2020.

What is an ordinance?

An ordinance is a law adopted by the City Council to govern matters not covered by state or federal laws.

Why is the City drafting a disposable foodware ordinance?

There has been increasing concern in the community over the impact of disposable foodware, especially items made from plastic. Disposable foodware, including containers, cups, lids, utensils and straws, is a major contributor to street litter, ocean pollution, marine and other wildlife endangerment, and climate change. Many plastic disposable foodware items are used for just a few minutes before becoming waste, which lasts for hundreds or even thousands of years.

What items does the ordinance target?

Disposable foodware used to serve/distribute prepared food. Items made from traditional or compostable plastic and Styrofoam will not be allowed.

What is disposable foodware?

Items such as bowls, plates, clamshells, cups, straws, utensils, etc. designed to be discarded after a single or limited number of uses

Who will need to comply?

Food facilities in Half Moon Bay -- Any vendor, business, organization, entity, group, or individual, including a licensed retail food establishment that provides prepared food for public consumption.

What are the objectives?

- A. Reduce waste by eliminating disposable food service ware that is not reusable or compostable and through source reduction;
- B. Improve the health and safety of community members; and
- C. Help keep our waterways clean and safe.



How will this impact food facilities?

- A. Accessories such as straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. shall be provided only (1) when requested by the consumer, (2) upon acceptance by the consumer after being offered by the food facility, or (3) at a self-serve area and/or a dispenser. Accessories will be distributed unbundled as separate individual units. Take-out food delivery services that utilize digital ordering platforms shall provide clear options for customers to affirmatively request accessories.
- B. Food facilities shall use disposable straws, stirrers, utensils, and cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any) made from non-plastic, compostable materials. Non-plastic, compostable is defined as, but not limited to, natural fiber-based materials such as paper, sugarcane, wheat stalk/stem, bamboo, wood, etc. Traditional plastics (petroleum-based) and compostable plastics (aka bioplastics or polylactic acid [PLA]) shall not be allowed for the abovementioned items.
- C. Food facilities shall use non-plastic, compostable plates, bowls, cups, food trays, clamshells, boxes, deli containers, and other containers. These items may be lined with, but not made entirely of compostable plastic. Additionally, these items shall be certified by Biodegradable Products Institute (BPI) or by another 3rd party approved by the Office of Sustainability (OOS) to ensure that the items breakdown in an industrial composting facility and are free of/have minimal traces of harmful fluorinated chemicals.

Are there any exemptions from the Ordinance?

Some notable exemptions that will be allowed are summarized below, a full list of exemptions can be found in the full Ordinance.

- A. Disposable food service ware made from aluminum
- B. Disposable plastic straws may be provided only upon request to consumers with medical needs
- C. Healthcare facilities may distribute disposable plastic straws without a request from patients
- D. Drive-through areas of food facilities may distribute straws and cup sleeves without a request from the consumer e. If no reasonably feasible disposable food service ware alternative exists
- E. Removeable cup lids



Where can I buy acceptable items?

The Biodegradable Products Institute (BPI) has a list of all BPI-approved companies and their products. You can find this list here: <https://www.bpiworld.org/CertifiedCompostable>

Additionally, The County of San Mateo OOS will maintain and have available a list of approved disposable food service ware sources and/or references to organizations that maintain regularly updated lists of products that meet the Ordinance requirements. Once this list is available, it will be available on the City's website and at City Hall.

What is the timeline of this Ordinance?

The final ordinance will be brought to City Council for a first reading in the late spring or early summer. It is expected to be adopted by October 2020.

If adopted, the Ordinance will not become operative or enforced for once year. This is to provide food facilities time to use up their existing non-conforming inventory of disposable foodware and to provide time to develop an education and enforcement program. If adopted in October 2020, the Ordinance would become operative and enforceable in October 2021.

Will there be any differences between the County's Ordinance and Half Moon Bay's Ordinance?

It is expected Half Moon Bay City Council will adopt an Ordinance that mirrors to the County's Ordinance. If there are any notable changes, they will be discussed at the first reading of the Ordinance.