



Zero Waste Commission

ACTION CALENDAR

January 22, 2019

(Continued from December 11, 2018)

To: Honorable Mayor and Members of the City Council

From: Zero Waste Commission

Submitted by: Chrise de Tournay Birkhahn, Chairperson, Zero Waste Commission

Subject: Referral Response: Berkeley Single Use Foodware and Litter Reduction Ordinance

RECOMMENDATION

Review the results of the Zero Waste Commission's community outreach and analysis provided in response to Council's referral and consider incorporating the Zero Waste Commission recommendations for improvements into the referred draft proposed Berkeley Single Use Foodware and Litter Reduction Ordinance (Attachment 1).

SUMMARY

The Zero Waste Commission was tasked by Council to invite input from the public and key stakeholders, including restaurants, food retailers, the disabled community, and other City commissions on the proposed Ordinance. This report includes results of the community and business outreach, including analysis and recommendations for improvements to the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.

FISCAL IMPACTS OF RECOMMENDATION

The added cost of the referral is staff time to review recommendations, including health codes and operations.

CURRENT SITUATION AND ITS EFFECTS

This report responds to referral that originally appeared as item 34 on the agenda of the April 24, 2018 Council meeting. This referral was sponsored by Councilmember Sophie Hahn and Mayor Jesse Arreguin, and Councilmembers Linda Maio and Susan Wengraf.

At the City Council meeting on April 24, 2018 the City Council approved the following recommendation:

1. Refer the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the Zero Waste Commission to invite input from key stakeholders, including restaurants and other food retailers and zero waste, plastics, oceans

and other environmental experts, and hold public meetings to obtain input on the proposed Ordinance; and

2. Refer to the Zero Waste Commission to report back to the City Council results of the Commission's community outreach and analysis, and provide recommendations for improvements to the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.

The Zero Waste Commission held seven public input sessions, two of which were part of the extended public comment period at monthly Zero Waste Commission meetings. The meetings were held on different days of the week, at different times, and in different geographic locations around the City. The Zero Waste Commission has compiled a report of recommendations (Attachment 1) and public comments (Attachment 2) from these listening sessions and from written comments submitted by the public and stakeholders.

BACKGROUND

Single-use disposable foodware and packaging (SUDs) is a major contributor to street litter, ocean pollution, marine and other wildlife harm and greenhouse gas emissions. The practice of providing food and beverage packaging free-of-charge fails to incorporate the environmental and social costs of these products into the price of the products.

SUDs are costly and challenging to divert from landfill. Non-recyclable food and beverage packaging is costly to remove from the waste stream and reduces the quality and value of recyclables. In order for Berkeley to reach its Zero Waste goals, the City must reduce use of unnecessary single-use food and beverage packaging.

The Zero Waste Commission approved their recommendations for improvements to the Berkeley Single Use Foodware and Litter Reduction Ordinance at the September 24, 2018 regular meeting of the Zero Waste Commission. Motion: Sharenko; Second: Stein; Vote: 7 Ayes: de Tournay, Twu, Poliwka, Sharenko, McKinstry, Stein, Whitney; Noes: None; Abstain: None; Absent: Watson, Clark.

ENVIRONMENTAL SUSTAINABILITY

The production, consumption and disposal of single use food and beverage packaging is a major contributor to litter in our streets, plastic in landfills, pollution in waterways and oceans, greenhouse gas emissions, and harm to wildlife. The ordinance represents a step forward in reducing the use of disposable foodware in Berkeley, fulfilling Berkeley's Zero Waste and Climate Action Goals, reducing greenhouse gas emissions, and meeting State trash load level mandates.

RATIONALE FOR RECOMMENDATION

Referral Response:
Berkeley Single Use Foodware and Litter Reduction Ordinance

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The Zero Waste Commission recommendations are based on an analysis of the gathered public and stakeholder feedback. Incorporation of the recommendations will lead to an improved Ordinance.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

See companion report.

CONTACT PERSON

Heidi Obermeit, Recycling Program Manager, Zero Waste Commission Secretary,
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Attachments:

- 1: Zero Waste Commission Recommendations for the Proposed Berkeley Single Use Foodware and Litter Reduction Ordinance
- 2: Public and Stakeholder Comments Collected
- 3: April 24, 2018 City Council Referral Report and Draft Proposed Berkeley Single Use Foodware and Litter Reduction Ordinance

Zero Waste Commission Recommendations for the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance

Note that comments may not be verbatim, and that “recyclable” materials refer ONLY to those accepted in the City’s Curbside Recycling Collection Program.

TOPIC: Requiring Durable/Reusable Foodware for DINING-IN

Comments received:

- Space concerns for installing washing machines/water usage/reusable ware
- Durable foodware poses a safety threat to employees if used as projectiles (comment from Top Dog)
- Labor costs to train and require employees to wash durable food ware

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Provide free technical assistance to help food establishments plan operations and equipment changes
- Provide small grants or loans to help defray the up-front costs of purchasing reusable foodware and re-configuring kitchens
- Allow private off-site washing/cleaning services to provide service in lieu of on-site cleaning.
- Exempt certain establishments from the 100% reusable requirement on a case-by-case basis, if they can prove it was impossible to implement all requirements due to unique considerations, so long as a good faith effort is made to do the most possible to achieve goals of ordinance.
- Compostable items used in any case where use of reusables are determined non-implementable by City.
- City-wide funded education program for businesses to transition to requirements of ordinance.
- Provide fact-sheet/FAQ for businesses

TOPIC: Collection and Documentation of SUD Charge-Added complexity/logistics

Comments Received:

- Multiple business owners expressed concern about how to implement the SUD charge.
- Need clarification on how to enter line item(s) for SUD charges? (Ex: Does a customer who orders a soup, salad, and sandwich need three SUD line items, each item to be documented?)
- Limited/low quality of labor and high cost of business makes this a real issue
- Many people do not request a receipt - is this non-compliant with ordinance requiring public notification of charge?

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Clarify requirements for reporting line-item charges on receipts (virtual or hardcopy)
- Provide fact-sheet/FAQ for businesses

TOPIC: Ordinance targets prepared/served food produced in-house for take-out, while exempting other waste generating food-serving establishments (ex: pre-packaged take-out food from grocery stores, coffee chains, movie theaters).

Comments:

- Food that is trucked in (examples: Trader Joe's salads, to-go prepared food at grocery stores, coffee chains) can be packed in any container with no fee, thus targeting small, local businesses.
- Similarly, will a fountain drink in a SUD is subject to a charge, but not a can of soda.
- Movie theaters do not have kitchens, cannot be expected to convert to reusables, request exemption from SUD charges.

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Phased approach to charge for take-out food ware, to ensure equity across businesses in Berkeley
- Examine ways to require compostable containers for prepared foods from other establishments besides those that produce food on-site for take-out (ex: grocery stores, coffee store chains)
- Include movie theaters for conversion to compostables if reusables are not possible.

TOPIC: Availability of alternative compostable containers to contain all foods for take-out.

Comments:

- No compostable containers exist that can hold items at 180F degrees
- No acceptable alternatives to plastic are currently available for all types of food condiments

Suggestion:

- Exempt items with no reasonable alternatives until acceptable/compliant items are available in the market Alternatives should be compostable or recyclable.
- City should work with recognized industry organizations for accepted standards of "best" items that comply with compostability and health concerns (ex: BPI) in order to develop approved list of compliant items

TOPIC: Ordinance does not ensure compostable/recyclable SUD items will end up in proper source-separated stream.

Comments:

- If SUDs are required to be compostable or recyclable, it is still likely these items will end up in landfill, based on consumer behavior and availability of recycle/compost collection containers. Suggest a focus on downstream user, as it is a known issue that waste streams are often poorly sorted.
- Overseas markets are no longer accepting our plastics, and they are harming the environment with litter and chemicals/degradation

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Funded City-wide program to educate consumers on proper sorting of waste and ordinance (FAQ)
- Improve collection through increased service and quantity of city bins in high-traffic food take-out establishments
- All items should be required to be compostable (no recyclable plastics), due to changing overseas markets
- Require customer-facing in-store compost bins for collection

TOPIC: Charges for take-out containers when consumers have no alternative to BYO (affects consumer)

Comments:

- Many restaurants are prohibited from in-house dining, and thus can only offer take out options.
- Results in customer complaints for being charged for take-out containers with no alternatives available.
- As customers have no choice, charge will not lead to a positive behavior change (*this issue is in contrast to the bag fee, where customers always have the choice to bring their own bags*).
- Take-out is an essential life factor for many customers.
- Punishing people for using such is regressive.
- Many businesses will not allow BYO take-out container to fill for sanitary concerns or health violations.
- With minimum wage increase, this ordinance would add just another increase in prices and be hard for consumers to swallow.
- Reusable cups brought in by customers have been relatively acceptable and exhibits positive behavior change
- Affects low-income stakeholders that may have no access to washing their BYO containers
- Incentives for discount for BYO instead of charges

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Create a guidance document and feasibility study on “Bring Your Own...”
- Develop a pilot program for standardized reusable to-go container system.
- Implement phased-approach to charge: phase one for hot beverage containers/lids, phase two later for food containers after analyzing results of phase one implementation and pilot program
- Assess impacts of any charge on low-income, transient stakeholders
- Consider incentives for BYO as part of overall ordinance strategy
- Clarify in the ordinance language that there is no requirement for businesses to charge additional fees for disposables; the SUD fee must simply be itemized. (i.e. if a business currently charges \$10 for a meal, they can still charge \$10, but they need to itemize on the receipt the \$9.75 for meal + \$.0.25 for the disposable container.)

TOPIC: BYO containers need to be acceptable to businesses for portion sizing and cleanliness/compliance with health codes. (affects Businesses)

Comments:

- Many restaurants are prohibited from in-house dining, and thus can only offer take out options.
- Results in customer complaints for being charged for take-out containers with no alternatives available.
- As customers have no choice, charge will not lead to a positive behavior change
- Will potentially drive customers to neighboring cities lacking such an ordinance (*in contrast to bag fee, where BYOB is available*).
- Cleanliness of BYO brought in by customers is an issue
- Consider incentives for BYO as part of overall ordinance strategy

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Work with local health code departments for clarity on acceptable containers
- Work with businesses to support conditions of BYO containers provided by customers (beverage containers)
- Establish City-wide reusable container program (funding likely necessary)
- Consider pilot-program for reusable container program
- Implement phased-approach to charge: phase one for hot beverage containers/lids, phase two later for food containers after analyzing results of phase one implementation and pilot program

TOPIC: Acceptable straws that meet ordinance requirements yet effectively serve disabled stakeholders.

Comments:

- Disabled community has been left out of conversation
- Disabled stakeholders need straws that will not degrade or pose a choking hazard
- Other stakeholders that are not disabled may need straws (children, older people)

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Assess and study best alternatives available that are deemed acceptable for the disabled community.
- Bio-Plastic certified compostable straws could be exempted for said special uses/stakeholders, with recommendation that businesses have them available and provided upon request.
- For general use, specify compostable paper straws only, on request or self-service
- Possible: City purchase of reusable silicone straws to be distributed by City through disabled groups, commission, and other sanctioned methods (City of Alameda).

Topic: Coordinate with existing laws/ordinances and seek support from the Alameda County Waste Management Authority (StopWaste).

Comments:

- Replace “Disposable Food Packaging” with “Disposable Foodware” (StopWaste)
- Waivers: What would a partial waiver include? What happens after 3 years? What constitutes “make every effort to become compliant”? What type of activities/efforts would the city consider? What types of thresholds would be considered allowable under “space constraints?” (StopWaste)
- Clarify language of ordinance, including waivers, time frame, space constraints, free of added Fluorinated Chemicals
- If “to go” meal is served in a compliant reusable bag, an additional minimum \$0.10 will need to be charged to comply with Ordinance 2016-2, which could increase total “Takeout Meal” charges to be greater than \$0.25. There is no charge for carryout food given to customers in compliant paper bags. (StopWaste)

Based on the input received, the ZWC suggests Council consider the following possible adjustments to the proposed ordinance:

- Coordinate with ACWMA (StopWaste) to ensure language is consistent with existing ordinances
- Examine best practices of local communities in County and cities bordering City.
- Review Bag Ban ordinance for compliance and consideration of charge amount.

The Commission recommends taking note of the following issues that should to be addressed:

- Recyclability of most “plastic” foodware
- Difficulty to tell the difference between compostable bio-plastic utensils and plastic utensils
- Importance of City-approved list for acceptable materials for take-out containers
- Which food waste-generating establishments are exempted (ex. theaters)
- No plastic ware should be accepted, in spite of language in current City Curbside Recycling Collection Program accepted materials, due to market instability and environmental concerns.
- Amount of proposed charge (\$0.20 v. \$0.25) to balance customer behavior change with businesses concerns of loss of sales due to minimum wage hike and proposed charge.

June 16, 2018

Special Meeting of the Zero Waste Commission Foodware Subcommittee to solicit public input

21 members of the public attended; 17 public comments.

Summary of Spoken Comments:

Peter Levitt

Owner, Saul's Deli

I have a restaurant Saul's Deli so obviously I think the goals are admirable, I am just unclear about whether you are attacking the most used materials.

I am always concerned about going at the lowest hanging fruit especially when it pertains to the mom and pop.

And I have a deep concern, again once I have confidence that you have used the garbage cans widely enough in other words are we looking at the household mix in the resident?

How do the four Safeway's, the Trader Joe's, and the two whole foods the waste stress compared to our mom and pop restaurant, that is a big concern that we have.

I don't know if you are aware of what we have done at Saul's. But we have gone 10 years without straws

We thought it was the right move a long time ago, and inconvenient.

We do glass mason jars for soup, we now use sippy cups for children instead of the single use plastic glass. We haven't used straws, well we used paper straws for about 6 or 7 years then moved to stainless steel straws. So we now almost purchase almost no straws.

For us this was low hanging fruit, no one asked us to do it we just did it. I am just concerned with that we are going to end incurring costs that will be difficult for us especially in the climate of having minimum wage going up all of the time

And really do t love the idea of having a single line item on every invoice. I actually do not know how to implement it. Each and every customer is different. Does an employee have to enter a single button every time? What is a customer comes in for a soup salad and sandwich does the employee have to hit the button 3 times?

It's going to open up Pandora's Box and I do not see the solutions are and it is of great concern to us that we won't be able to hit the button or

The difficulty we are already having with labor and quality of labor

And the last thing I will say is that you do have your work cut out for you because every time you raise minimum wage restaurants like ours disappear and smaller hole in the wall type restaurants with few employees with no place come into existence. It's getting harder and harder. No one will reopen Saul's in this town. If we go away one day, we will be replaced by two smaller stores, and they will use straws and it will be a takeout environment.

Lisa Brenners

Farmer, Berkeley Farmers Market

My name is Lisa

I am from Berkeley, I am currently a farmer and I sell at the ecology farmer's market in downtown Berkeley on Saturdays. So I know firsthand, how much this kind of use of packaging demand is customer driven.

I stand at the market. My stuff is loose I have paper bags, but I know there is a segment of the population that will not pick up my fruit. But if I put it in this little red mesh bag that 20% increase in sells. I am comfortable with the bags, but there are people who will just not buy something that is not in a bag. So this is demand driven and the restaurants feel this.

Umm so I am going to go really fast I have a lot of points here. I think there might be a flaw if your goal is to reduce waste. You're changing the packaging, mandating it and charging for it. But the customer is still taking it home. They are responsible for disposable. If they do not dispose of it properly then it's in the landfill anyway. So that's just procedural thing. If the goal is that how have we improved?

The second point is that the ordinance may be unintentionally calls out and targets food that is produced on premises, locally if food is not produced locally it is trucked in... free pass. It's free and you can put it in anything you want. But if it is produced here're you having the rules there is a clarification I would like about conforming food ware. If a person used reusable food ware must they both meet the regulations and charge?

And the doggy bag loophole which I shouldn't mention because you will probably try to close it up, but right now it seems that if you go and have something on premises then ask for a doggy bag you can have any container you want and it is free.

So will the city commit to disposing properly of all these newly mandated disposable ware items?

Jim Maser

Owner, Picante

Hi my name is Jim and I own picante

In Berkeley on 6th street I have been there for 24 years, my colleague Peter couldn't make it, ditto on everything he has to say.

Since I am having a question-answer session, but it is one sided I am just going to throw some questions out there.

In regards to the containers themselves, has a container been come up with that can take a 180 degree food, because that's my biggest challenge. Peter has met it with glass bottle I am unable to meet that with chili rellenos or .. or anything that came off of the stove at 180 degrees it burns through anything tested and right into the upholstery of my guests cars.

The receipt issue. I want to reiterate what Peter said, using social guilt on that is works, it worked in SF for our colleagues for health programs for our colleagues over there. However the cost benefit analyses. I am not sure what business were looked at, where the dishwashers were bought from. But we look at that 25 cents as the differential between the products that you are going to recommend and conventional products that are used now and that is not going to bridge the gap for the increased cost. These 25 cents does not drop to the bottom line it is taxed and if you take the 35 percent tax out we really are going to end up with 16 cents and will that really be differential. I have tried to use the highest quality products that are available and with minimum wage hitting us the way it has been we have had to make compromises that doesn't sit well with my heart.

For all the big gulps, is theater popcorn being charged, but the one it get for coca cola will not because it is not manufactured in the theater?

The ordinance is very confusing in regards to who it is going to apply to. My recommendations are that from your test study at café Strada that you use disposable cups and

I want to finish up, if paper cups are major problem implement the charge for the cups also please do the straw ordinance right away, other cities in California have already done, the restaurant association is going to do it, and it's a small step towards curbing our reliance on these convenience products which we will hopefully contribute to the change of attitudes and usage but please take one step at a time, regardless of the request of the city council, that seems lazy because in my book change takes time.

Heliya Izadpanah

Cal Dining Services

So I work at Cal Dining on waste reduction, and over the past year I've been trying to get more reusable products in our campus that are breaking down. We just switched to paper straws, and PLA clamshells that aren't breaking down.

I am curious to how this policy is going to impact our campus and if it still pertains to it, also curious about the utensils that need to be either compostable or recyclable, because in my experience compostable utensils do not actually break down because their plastic is too thick at our local facilities. And if they are recyclable, people do not want to sort them out of the rest of the food waste and containers and so the recycling bin gets contaminated or the compost gets contaminated.

Helen Walsh

Disability Commission

My name is Helen Walsh, I'm on the commission of disability Berkley. I am speaking on the behalf of the diverse community with people with disability, people with medical conditions and anyone with a disability.

So my focus here is the ordinance of single straws and utensils, which would have to be compostable and be provided only by request. Persons with disabilities who use straws, are also deeply committed to protecting the environment, I am one. Disability rights and environmental protection have long been compatible. People with disabilities want to save the planet but they also need to be able to drink and eat, our food is pureed sometimes. As more and more cities are banning straws, they do not think about the unintended consequences these bans will have on people with disabilities. How will we drink if straws are no longer available? Some might have suggested providing reusable or compostable straws as answers, however metal and wood straws can be dangerous, uncomfortable or ineffective with people with disabilities.

For example, metal and bamboo straws can be dangerous to people with Parkinson's disease because they are too strong, likewise paper straws become soggy over time and can become a choking hazard. Useable straws are generally more expensive than plastic ones. Which is import to note became poverty is more prevalent with people with disabilities. In 2016, nearly 27% of people with disabilities lived below the federal poverty level compared to 10% of none disabled people according to the census bureau.

Until someone creates an appropriate alternative to plastic straws, they must continue to be made available to people with disabilities. They are a simple but necessary accommodation.

Elizabeth Jordan

Recently Peet's started offering reusable cups, no straw needed and there less than \$3 and they can also be used at Starbucks. But what they're doing, they're offering discount so every time you go to Peet's and buy something there is a 10 cent discount at the downtown Peets and now it changed. Peet's at the downtown is changing more than the other Peet's, and depending on the neighborhood prices go up or down, so depending on the Peet's you'll get a 5 or 10 cent discount. So I guess why not work on something that will benefit you.

Clark Mosher

Hi everyone i was a volunteer and I want to thank everyone for being here. The one concern I have from business owners is that how will they track this, I think there was an assumption that might be refunded by the city, but I think this is just an amazing chance for Berkeley has a chance to lead because our leaders aren't leading. Trump just refuse to sign the G 7 this week I believe which over rules the plastic in the ocean. The midline estimate is 5.3-14 million plastic waste in our ocean each year the visualization that hit home was, imagine 5 plastic grocery bags filled with trash sitting on every foot coast of the world, that's how much plastic is going to into the ocean. Berkley is trying to eliminate any plastic that uses from an average from 0 to 20 min, and I think about all the plastic utensils that we don't even use.

So I'm going to end on a positive note, McDonald's yesterday, announced that its getting rid of all the plastic straws in the UK and Ireland this year, and change is coming. I'm really happy Berkeley has a chance to lead.

Floy Andrews

Bay Area CoRoasters & CoRo Coffee Room

I am the CEO of a little company called Bay Area coRoasters & CoRo Coffee Room. We are opening next week, on 5th St. Our cafe is aesthetically beautiful, and so there are a few things that occur to me with this proposal, first I want to say that CoRo is very focused on stability and the goals that the council is working on we totally support. Just sort of listing to the comments, there are a few things I would like to comment on, in high end coffee it's about the amazing coffee flavor and aesthetics of presentation, when you go in and order your drink, the barista is going to do beautiful latte art or pour over or watch them make it, it's all about the full experience. So I don't think that if you're bringing in your mug or Peet's cup or whatever, you'll not be getting the coffee experience that we are providing. I also want to talk about the signage, as we build out this restaurant all these plastic signs that don't really go with what they call exit or here's the all gender bathroom, so the fewer the required signs the better. I also want to ask about is there any outreach to Oakland because I can imagine consumers saying "oh am I going to Berkeley or Oakland for coffee this morning." I do think that plastic is something that we as a species need to tackle for sure, I am wondering if the compostable coffee cups stops the ability to do beautiful latte art, is really the piece of trash that is stopping us to do beautiful latte art?

Aladdin Sammakieh

Owner of both Berkeley McDonald's locations (1:14:00)

I'm Aladdin Sammakieh, I recently purchased the two McDonalds restaurants in Berkeley. So I first would like to say your right about the plastic straws In McDonalds in Europe. We are trying to that in the US as well. McDonalds can push the entire industry in one direction, like what they did with cage free eggs, and Styrofoam.

Frances Schultz

Indivisible Berkeley

It's clear that we have a plastic crisis, both globally and locally that our plastic footprint in the world is much bigger than we deserve. I support wholeheartedly the efforts of the city, the ecology center, the big water action, everything that you're doing to put together a local solution to that and hopefully one that can be a model for different places that can be used in other places. I applaud the work that you've done already to work with businesses and get their input, I appreciate the input from the businesses that are here today, I know none of these changes are going to be easy for any of us and particularly with businesses, and these are places that are important to us as Berkeley Like local restaurants and stuff. But I also feel confident, with everyone's input we can come up with something that will be minimally difficult for all of us but it can make a big difference in our environment. I really am here to support the effort wholeheartedly, thank you.

Michael Goldhopper

Chair of the community Environmental Advisory commission

Hi my name is Michael Goldhopper, I'm the Chair from the community Environmental Advisory commission

We didn't have a good look at this, but on Thursday we had our regular meeting we did approve a letter that has come out to you indicating our support. However personally listening to some of the items and thinking it through, I have a couple thoughts the first one is purely administrative, I think some folks on the panel spoke way too long and this is a very educated group, and knows what's going on, it was unnecessary to give such long introductions. Secondly, I do think that there's a problem, with the fee as it is presently constructed. I know that Alameda County passed the grocery bag fee, which gives everyone the opportunity not having to pay the fee very clearly if they bring something or don't use a bag at all. It is less clear in this ordinance if you choose to not use a cup or whatever that you will have to pay 25 cents, also there is a problem about having it on a receipt because receipts are something that the environmental and others would like to get rid of because they contain PCP, and the danger is especially the workers that have to use them are in jeopardy because they have to use it. Let's put an end to receipts. People mostly throw away or don't want is a sensible solution. I do think that it has to be rethought based on what has said so far including eliminating the requirements in the case of items that cannot be properly handled because they're too hot. I think trying to get larger restaurants to use reusable's should be absolutely mandatory for in-house dining and should be the main thing that you should start with obviously using compostable materials when they are affordable is a good idea but the details of the charge has to be rethought I think.

Victoria

I came in a little late so I don't know if this was addressed. I shop at Berkeley Bowl and Whole Foods, and I don't know if this ordinance takes this to account but what's the point of going to the market and bringing a reusable bag and filling it up with 20 plastic bags? I just feel like somehow that has to be addressed. I mean no one really talks about that, I see it all the time. And I don't know if this hearing addresses it or not when you go to the restaurant and they throw in those packets of condiments, little plastic spoons and hot sauce and I have so many of those I don't know what to do with them. I am asking to kind of open your minds to addressing some other things that are really important plastic bags and peoples groceries carts are incredible.

Anet Howard

Hi my name is Anet Howard.

15 years ago I went to a trip to the Bahamas. Every single beach was totally clear and beautiful. I never saw one piece of trash and I spent a couple years there. A lot of wonderful places to explore, not one piece of trash. Well it is pretty discouraging when I looked in a magazine and found this article about purging plastic in the Bahamas. They now have a movement called "Bahamas plastic movement" and what they're doing is getting volunteers and all the beaches are cluttered with plastic and they're trying to get rid of it. There gathering and trying to do something with it, but we really need to do something about it. I came across this article, in Japan they have this machine, which distributes to different islands in Japan, and what you do is shove the plastic in the machine and it turns it into gas, then there's this

tube that goes out of it into a tank of water, well that cools the gas and the gas turns into oil. What I'm saying is, it might be easier for us to take all this plastic, heat it up and make oil and somehow make something else with it. Plastic comes in different shapes, sizes, weights and colors, outs really hard to get rid of and I think we need to try to do something about it. That's all I have to say.

Eun-soo yin

County of San Mateo

Hello everybody. My name is Eun Soo Yin, I'm actually here representing the county of San Mateo.

I heard about what you guys are doing, congratulations, I commend you on your efforts you guys are doing amazing things. The county is kind of researching about how to dispose of plastic but straws in particular, and so I started doing research about what other cities in the Bay Area are doing. Berkeley came on top of the list as always. Alameda is doing something great, County of Santa Cruz, City of Santa Cruz, Davis, so a lot of movement in this area. Berkeley is definitely not alone but you guys are pioneers in all of ways. And there's a reason I think why a lot of local governments are addressing these issues, as a lot of you guys already know, these are critical issues that we have to really address. So I wanted to come up here to commend you guys and I'm really looking forward to seeing how the ordinance rolls out and I really appreciate the feedback that the public sacrificed your Saturday morning to come here to listen to everyone speak, it was an eye-opening experience for me.

Danielle Bafone

Hi my name is Danielle, I'm from Berkeley and lived here for about 25 years. I've had 2 businesses, one a shop and one a school. The last 4 years, I transitioned my work teaching to learning about the marine environment and I do plastic free advocacy, and it feels wild to speak to residents to hear from them what their concerns were. I wanted to thank the City of Berkeley zero waste commission and the ecology center where I've been leading a once a month book group on plastic free and many people know were moving into plastic free world next month. The streets are pretty clean around here but this is still something I was able to pick up. What I wanted to say was, I want to find a way to promote Berkeley zero waste coordinates and my goal as a community is to move towards that, I think this is a individual thing for people to say I don't want use plastic but I think we need to understand as a community that this is a mandate think we're working towards, and not an option thing. This is what's expected of us as citizens. Arguing over paper and plastic straws is not going to be the answer but we all just need to move on.

Molly Hicks

Hi my name is Molly Hicks, I'm sorry I missed most of the meeting, all my kids are sick, but I've been doing a lot of volunteer work in the schools about reducing their packaging. Both of my kids go to the newly renamed Silvia Mendes school formerly Le Conte and I've bought in that magazine over there and set up a green team for the kids to work on reducing the amount of plastic, educating each other. So one of the prizes they got was from that same website, I think it says landfill, I gave them a metal cup and a metal straw because kids love to use straws and a lot of the kids told me that they use them, they bring them to the restaurants and show them that we don't want to use plastic, it makes me feel good

that these kids are getting the message and it's so quick for them to understand that they see all the trash on the school yard, they try to clean it up and teach each other. But I don't know if, I just wanted to make everyone aware that the Berkeley schools I feel like are kind of separated from the zero waste ordinances, they don't necessarily comply with the plastic free message. There twice a week, they get cereal individual proportion in plastic cereal bowls, most schools don't even recycle them, and our school got 25,000 this year and that's 1 out of the 11 elementary schools. So my daughter went and filled out an entire bag, one of those large garbage bags in one day and she brought it to the school board on Wednesday and showed them and told them "we don't want this anymore" and explained that can't we just use regular bowls? we can wash them ourselves or even at best use paper and so getting the plastic message its slower because I feel like there's a disconnection that the school board can put a little more pressure on the schools themselves. The custodians kind of feel like it's not their job to do this extra work that they see and were trying to help make the kids see that yes we all have some extra work to do, but it's worth it, because I don't know if that is something you guys already discussed when I was gone, the restaurants for sure but the schools are putting a lot of trash into Berkeley, the plastic cream cheese containers they get every Friday, littering around too, that's all recyclable that's just the little message I wanted to say, thank you.

Peter Schultze-Allen

My name is Peter I work in the stormwater field.

Sorry I'm late. Have you already talked about the litter requirement tonight?... (1:35:01)

That's a big regulation that most of the cities in the Bay Area have to deal with. It's from the Regional Water Board stormwater permit and it says that all the cities have to reduce the amount of litter that's going out into ocean by 2022. The permit is just one of the drivers for the city - it has to do more. The City has installed trash capture devices and has banned plastic bags and Styrofoam so this is another thing that is pushing the City to do more.

I also wanted to mention that I helped draft the ordinance that you all have in front of you, so all this summer we were trying to do outreach to the business community and talk to them about it in various different ways; the survey was a very big effort. I talked to just one business - a cafe owner in Berkeley who also serves coffee at the farmers market. He says that he pays 30 cents for each of these special disposable and compostable hot cups and that he wanted these cups because they are the best; it is a double walled cup with a compostable bio-plastic liner so it's basically the top level, most compostable, disposable paper cup that you can get but it's very expensive - 30 cents each. So since this ordinance can help him cover the expense for these cups, he was in favor for the ordinance. Of course he prefers everyone to drink the coffee in the store where he can provide a reusable ceramic and washable cup. He doesn't want people using the to-go cup - the in-house dining option is more sustainable. If other businesses are paying 5 cents for a non-compostable single use paper cup, that's not sustainable and they are kind of getting away with that right now. Under the proposed ordinance there would be a level playing field because everyone would have to use a similar compostable to-go cup, so I think that's one of the benefits.

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Thomas Gregory

Sent: Thursday, June 14, 2018 2:01 PM

Subject: Re: Public Input Session Hosted by the Zero Waste Commission's Foodware Subcommittee re Single-use, Disposable Foodware

Hi Heidi,

The Center for Independent Living (TheCIL) is the Title-VII-of-the-Rehab-Act disability services and advocacy agency whose federally designated catchment is northern Alameda County.

Approximately one year ago, my boss (TheCIL's executive director, Stuart James) sent a message to each of Berkeley's City Council Members containing the language pasted immediately below. I'm now sending you the same message hoping that it will inform any deliberations/actions by the Zero Waste Commission.

Best,
Thomas

Thomas Gregory
Deputy Director
Center for Independent Living

Dear Berkeley City Council Members:

On behalf of the Center for Independent Living (TheCIL) and the disability community we serve, I am writing in regards to the drinking straw proposal highlighted in this Berkeleyside article: <http://www.berkeleyside.com/2017/06/06/know-berkeley-straw-ban-proposal/>.

The board and staff of TheCIL applaud your ongoing efforts to protect environments in Berkeley and elsewhere. Just like responsible citizens without disabilities, responsible people with disabilities recognize the importance of maintaining (or, better yet, increasing) our planet's health. In fact, the disability community arguably has a heightened interest in environmental integrity as toxic environments can exacerbate disability-related medical conditions and can even, in some cases, lead to the acquisition of disabilities. So we appreciate the City's consideration of a city-wide plan to reduce or eliminate the use of disposable plastic straws. We also appreciate that the City is inquiring into the impacts of an anti-straw measure before implementing such a measure.

It's important to recognize that, for some people, the use of straws is a necessity. Due to deficits in manual dexterity and various other factors, a significant number of folks require straws to drink beverages. It is important that Berkeley, as it moves forward with any plan, remember the needs of its disabled residents and to accommodate those needs. Specifically, I am urging the City to ensure that any measures implemented will involve restaurateurs and other beverage vendors providing straws to those who purchase beverages and need a straw to independently access a beverage. We at TheCIL feel that it is essential that people who rely on straws (including those who do not happen to have a straw in their possession at any given time) be able to access beverages while out in the community and be able to do so with the same degree of convenience as everyone else.

As the Berkeleyside article makes clear, there are various ways that Berkeley could reduce or eliminate the use of disposable plastic straws while simultaneously accommodating the needs of those for whom straws are not a luxury. "Soft bans," biodegradable disposable straws, and reusable steel straws are some potential solutions mentioned in the article. Although we are not currently advocating any particular solution, we are urging the City to ensure that those who need straws will continue to have access to them.

Again, thank you for your efforts, and if there is any way that TheCIL could assist the City in its approach to this issue, please do not hesitate to contact us for any input you might desire.

Sincerely,

Stuart, Executive Director at TheCIL

Community Environmental Advisory Commission (CEAC) Written Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Michael Goldhaber

Sent: Friday, June 15, 2018 1:54 PM

Subject: CEAC support for Proposed Ordinance on Foodware

To all concerned,

At its meeting last night, CEAC voted unanimously to support the ordinance prepared by the special subcommittee of the Zero Waste Commission.

While it may need minor modifications, we believe the proposed ordinance does an excellent job of balancing environmental and public needs in a way largely fair to all.

Best,

Michael

Michael H. Goldhaber, Chair, CEAC

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Michael Goldhaber

Date: June 16, 2018 at 3:53:13 PM PDT

Subject: comments on ZWC proposed food-container ordinance

Dear ZWC, Councilmember Hahn, and Mayor Arreguin,

I attended today's public hearing on ZWC's proposed Berkeley Single-Use Foodware and Litter Reduction ordinance. As I wrote to Councilmember Hahn and Mayor Arreguin, CEAC voted last Thursday to favor the ordinance.

However, after listening carefully to the presentations and especially the public comments at the meeting, I have revised my personal views as follows:

1. The plastic waste problem must be solved. That is vitally important. Berkeley has an opportunity to set a wide example.
2. The current draft ordinance approach, while seemingly sensible, is in fact not properly thought through at all. It puts the burden on restaurants in the city, but not on larger entities that send pre-packaged food into the city nor on consumers or garbage collectors to do a proper job collecting and sorting waste. Even with compostable utensils, as the waste stream is presently constituted, the burden is on each citizen to be ecologically aware, to take the time to understand the different categories of waste and to make the proper separations. It goes without saying that, while many will do their best to comply, some of those will make mistakes much of the time, and others will not even bother to take on the added responsibility, rather than tossing waste, if not willy-nilly, then into the wrong containers. My own wife, for example, while always trying to comply, is simply not nerdy or compulsive enough to do it right a good percentage of the time. Many others simply refuse to spend the time.

The solution is for the city and the ecology center to take on more of the job of waste separation. This may be an added burden on the city, but it would ultimately simplify collection and improve the waste stream. It is unrealistic to expect many citizens to bother with the three (or really, four) bins as it is. Martin Bourque, the Ecology Center Executive Director, at the meeting, himself pointed out that consumers largely ignore waste categories when taking the trouble to dispose of items even right in restaurants, even when there are illustrative pictures present to guide them. I have often observed

the same with regard to the too-rare garbage cans the city provides on streets and in parks.

3. Another proposal in the ordinance that was not thought through is the \$.25 charge for disposables that restaurants are to tack onto bills and receipts. Is a dish for a single scoop of ice cream rationally to be considered equal to an entire take-out meal in multiple containers? Further, the analogy with Alameda County's single-use grocery bag charge does not actually work. People who normally carry around capacious knapsacks or purses would be able to carry a coffee cup or the like, but others who travel lighter are unlikely to have a cup with them should they decide they need a beverage. Carrying one's own reusable utensils or meal containers becomes even more problematic, including sanitary concerns. The increasing number of delivery services for restaurant food also can hardly be expected to operate without disposables; there is already a substantial charge for such services, so a disposable charge wouldn't be noticed.

4. A little more about pre-packagers outside the city: As some of the commenters at the meeting noted, the current draft doesn't have any way of policing those suppliers who ship snacks and meals into Berkeley from beyond city limits. Almost every grocery store or deli is full of such items, and so are many chain restaurants. If local businesses are not to suffer unduly, that inequity needs confronting.

5. Because restaurant receipts, as presently offered, mostly contain biphenyls that are suspected of causing endocrine disruption, we should not encourage their use. As it is, many customers don't even take or glance at them anyway. A better educational device is needed.

6. Finally, let me repeat what I said at the meeting: When holding a public hearing on a proposal that is likely to attract only those already well-informed on the substance, lengthy introductory lectures are not needed. People's attention is a valuable resource that the publicly minded should try not to misuse.

Thanks for your attention to this.

Best,

Michael H. Goldhaber, Berkeley Resident

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

Submitted by Helen Walsh, Diverse Disability Media
June 16, 2018

Plastic Straws and persons with Disabilities (PWDs):

- Area of concern for PWDs on the Berkeley Draft Ordinance: **Single use straws, utensils, and stirrers (which will have to be compostable) be provided only “by request.**
- Persons with disabilities who use straws are also deeply committed to protecting the environment.
- Disability rights and environmental protection — have long been compatible.
- People with disabilities want to save the planet. We also need to be able to drink and eat.

As more and more cities and states seek to ban straws and have, It is concerning about the unintended consequences these bans have on people with disabilities.

- How will PWDs drink and eat if straws are no longer available or accessible and safe for us to use?
- How will businesses in the city of Berkeley serve PWDs if they are not informed about accessible cost effective straws that PWDs can utilize safely and successfully?
- Some have suggested providing reusable or compostable straws as the answer. However, “metal, wood, or glass straws can be dangerous, uncomfortable, or ineffective for [some people with disabilities].” PWDs are very concerned about this issue now because PWDs in areas plastic straws are banned are being excluded from the community they participate and work in.

For example, metal and bamboo straws can be dangerous for people with Parkinson's disease because they are too strong. Likewise, paper straws become soggy over time, which can become a choking hazard.

Reusable and compostable straws are generally more expensive than plastic ones, which is important to note, because poverty is more prevalent among people with disabilities; in 2016, nearly 27 percent of people with disabilities lived below the federal poverty level compared with 10 percent of non-disabled people, according to the U.S. Census Bureau.

- Until someone creates an appropriate alternative to plastic straws, we cannot ban plastic straws.
- Including persons with disabilities in every step of the process will provide full inclusion of the community as well as provide the city of Berkeley to be the leader of what it means to be an inclusive and accessible city.

The city of Berkeley has the opportunity to be inventive in regards to an environmentally accessible inclusive and cost effective straw.

- Straws are a simple but necessary accommodation. That said, we should not and cannot give up on trying to reduce our plastic use, and I fully support cutting down on our use of plastics.
- People with disabilities want to save the planet. We also need to be able to drink. These two positions do not have to be mutually exclusive. Banning plastic straws prior to providing an accessible/inclusive straw is not a solution to the plastic waste issue.
- Including PWDs in the process will benefit all. PWDs have an ability to provide the city of Berkeley information or invent the straw that is both cost effective and accessible/inclusive. Our "wheels are needed" at your table. You'll like the "way we roll" beside during Ed Roberts time the city of Berkeley did :)

**Written Public Comment on the proposed
Single Use Foodware and Litter Reduction Ordinance**

From: Laura K Fujii

Sent: Sunday, June 17, 2018 4:15 PM

Subject: PASS and IMPLEMENT the Berkeley Disposable Foodware and Litter Reduction Ordinance

Dear Berkeley City Council and Zero Waste Commission:

I care deeply about the significant threat to our health and the health of our environment from the local and global plastics crisis. There is both a local and global plastics crisis. We must do more to remove single-use plastics from the waste stream, encourage the use of biodegradable and reusable products, and strongly discourage excessive packaging.

Berkeley should be a leader. As a consumer and as someone who cares about the oceans, wildlife, and the safety of our food and water, I strongly support the proposed Disposable Foodware and Litter Reduction Ordinance.

Funds earned from the charge of \$0.25 for every disposable beverage cup and disposable food container provided by vendors should be used to fund a Berkeley Zero Waste Campaign and Education program and to help support implementation of the Ordinance.

I urge you to pass and implement this urgently needed environmental and health ordinance.

Thank you.

Laura Fujii

Berkeley, CA. 94706

Public Comments on the Single Use Foodware and Litter Reduction Ordinance heard at the regular meeting of the Zero Waste Commission on June 25, 2018

8 Public Comments.

Notes summarizing the spoken public comments:

1. Sheera Leeder – Berkeley Resident
 - Has a disability that requires her to use straws and cups with lids
 - Many people with disabilities are on a low income and can't afford extra charges
 - Possible solutions: reusable straws, compostable straws, paper straws
 - Supports an on request ordinance
 - Note: Sheera submitted written public comments to the Secretary to elaborate on her concerns, and to provide possible solutions, regarding plastic straws and cups with lids

2. Farhad Salehian – DishJoy (Dishwashing Service)
 - Dishwashing and delivery company
 - They provide intelligent solution to world problems – reduce disposables by utilizing dishwashing of reusables
 - Supports ordinance
 - This ordinance can make Berkeley a model for the world

3. Max – Urban Ore
 - Opportunity for UC Berkeley outreach/education

4. Miriam Gordon - UpStream
 - Need to consider how to create an easier BYOC system
 - Pilot program on Telegraph – TBID
 - Need guidance document and feasibility study for BYOC program
 - Consider possible tax break for providing a reusable program
 - Need best management practices for refilling containers
 - Possibly a phased approach to charge for foodware

5. Martin Bourque – Ecology Center
 - Provided an update on plastics (relevant to plastic foodware)
 - Non-bottle mixed plastics are problematic: #5 PP dairy tubs have the most valuable
 - Currently no market to recycle PETg plastic clamshells (brittle/thermoform)

6. Jack Macy – SF Department of the Environment
 - Strong support for ordinance
 - This is a way to deal with the tsunami of disposable plastics
 - This is a logical next step after the plastic bag reforms. Providing items on request can reduce use by 50-90%

- Businesses can potentially save money
- The market responded to the Styrofoam ban
- 75% of businesses supported charging if they can keep the money
- 75% support from customers
- \$0.25 is the threshold for behavior change
- This is something that can work
- Jack offered to be a resource to help

7. Helen Walsh

- Has a disability
- People with disabilities are environmentalists
- Need to include the disability community
- Cost effective solutions are available
- Inclusivity is important
- The disability community can help solve the problem

8. Thu hà - Cheeseboard Collective

- They are looking for alternatives to landfill disposables
- They would like assistance to find good compostable products

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance Received at the June 25, 2018 Zero Waste Commission Meeting

Zero Waste Commission Public Comments on Its Planned Ordinance Banning Plastic Straws and Charging 25 cent for Cups and Lids

My name is Shira Leeder and I am long-time disability advocate and Berkeley resident. I am here to discuss my concerns and solutions regarding plastic straws and cups with lids.

Most people with disabilities live on a low fixed income, such as Social Security Disability, so 25 cent per cup and lid adds up to a punishing percentage of their monthly budget. My biggest objection, however, is not the cost. People with certain disabilities cannot eat, drink, or take medications without the help of straws. Children and the elderly also rely on straws.

I am one of those people whose disability requires me to use straws and cups with lids.

If I have to carry a reusable cup with a lid, I will be less independent in my daily life, because I will have to either ask a stranger to help me fill up the cup, or I will have to pay someone to stay with me all day to make sure my reusable cup is filled up at all times. Of course, the cost of the latter course is prohibitive.

While I am all for creating an environmentally conscious City of Berkeley and reducing the amount of plastic that land and sea animals are exposed to, I do not want to do so at a cost to the disabled, the elderly, and children. It is simply not realistic to expect these groups to carry plastic straws with them at all times. We at the Center for Independent Living therefore feel that it is essential that plastic straws continue to be available at coffee shops and restaurants.

As the article in Berkeleyside makes clear, there are various ways that Berkeley could reduce or eliminate disposable plastic straws while simultaneously accommodating the needs of those for whom straws are not a luxury. "Soft bans," new biodegradable disposable straws, and reusable steel straws are some possible solutions mentioned by Berkeleyside. Also worth considering is the old-fashioned paper straw (assuming these are still being manufactured).

Perhaps coffee shops and restaurants could make plastic straws available only on request, as they did with glasses of water during the drought.

Thank you all for listening and thinking over this important issue.

Sincerely,

Shira Leeder

Disability Advocate and Berkeley Resident

More Alternative Solutions:

Reusable Plastic Straws:

For those for whom it is practical to carry around a straw, it's time to bring back the curly, brightly colored plastic straw from your childhood. Cleaned and stored properly, they can last for years.

Collapsible reusable straw: £14.35, lifetime use

Some of us already have our own glass or paper straws at home, but what happens when you're out and about?

Created by Emma Cohen and Miles Pepper of Canada, the FinalStraw is the world's first collapsible, reusable straw that folds down into a case small enough to fit on your keychain.

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Michael Katz

Sent: Friday, June 22, 2018 12:23 PM

To: Obermeit, Heidi <hobermeit@cityofberkeley.info>; Berkeley Mayor's Office
<mayor@cityofberkeley.info>

Subject: Single-use food container ordinance: Please exempt compostable containers from surcharges

Dear Mayor Arreguin, Councilmember Hahn, and City Staff,
I've received several invitations for "input" sessions and opportunities regarding this proposed ordinance, but almost no details from the City on what would be considered "disposable." Here's my best attempt to respond with usable input:

I strongly support incentives that would discourage the distribution of materials that cannot be composted or recycled. Plastic straws definitely fall into this category. To my knowledge, so do most plastic lids for take-out containers: Although they're stamped with plastic grades (like "/1\" or "/6\"), this is misleading, because they're too flimsy for recyclers to process.

(The above information comes from a friend who used to run a plastics-recycling company. Please excuse any errors.)

I urge caution in establishing incentives rewarding "compostable coffee stirrers." Wooden coffee stirrers make some contribution to deforestation, and I have that (given cost pressures) many are sourced from tropical hardwoods. If there's a corn-based compostable alternative here, that's what Berkeley should really be encouraging.

Most importantly, I strongly oppose the prospect of a \$.25 charge on compostable take-out containers. Given contemporary pressures on working people's time (from always-on employers, housing costs, etc.), take-out food containers have become a de-facto necessary part of our lives.

It's not practical to expect people to have the forethought or carrying space bring their own take-out containers to restaurants. People doing so might also trigger sanitary concerns or violations for the restaurants. (I'm saying this as someone who used to routinely bring my own plastic "Chinese take-out box" to my favorite take-out spot, and who gradually talked them into filling it instead of a single-use container.)

For these reasons, I think it's valuable for the City to create incentives for single-use containers to be compostable. But slapping a \$.25 charge on compostable containers strikes me as the kind of action that exposes Berkeley to ridicule rather than respect: It would change hardly anyone's behavior, except to perhaps discourage patronizing Berkeley restaurants. But it would impose one more regressive tax on people who are already economically stressed.

Thank you for considering these comments.

Respectfully yours,
Michael Katz
Berkeley, 94709

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Christina Tarr
Sent: Tuesday, July 03, 2018 9:30 PM
To: Obermeit, Heidi <hobermeit@cityofberkeley.info>
Subject: single use plasticware

Dear Commissioner,

I am writing to express my strong support of the proposed Disposable Foodware and Litter Reduction Ordinance

I oppose disposable plastic food ware because globally, single-use disposable foodware is contributing to plastic pollution in the world's [oceans](#), [drinking water](#), and [food](#). According to the Ecology Center, 80% of plastic found in the ocean comes from land-based sources. [Shoreline Cleanup](#) volunteers collected 5,826 food wrappers; 2,156 straws and stirrers; 1,577 forks, knives, and spoons; and 3,269 foam packaging items from Berkeley, Albany, and Emeryville shorelines in 2016. The [World Economic Forum](#) estimates that 150 million tons of plastic are already floating in the world's oceans – with an additional eight million tons entering the water each year. It is [estimated](#) that by 2050 there will be more plastic than fish in our oceans by weight. Worldwide, single-use packaging is the biggest source of trash found in or near bodies of water, according to the Ocean Conservancy, which also says that plastics are believed to threaten at least [600 different wildlife species](#). Ninety percent of seabirds, including albatross and petrels, are now eating plastics on a regular basis. By 2050, that figure is expected to [rise to 100 percent](#). In addition, evidence suggests that humans are consuming plastics through the seafood we eat.

In addition, plastic is created from petroleum products, and to combat climate change, the less petroleum we use, the better.

The proliferation of plastic is a horrible problem, and in this case, completely unnecessary. There is no need to use plasticware for dine-in use, and for take-out, compostable is available. Many restaurants I frequent have already implemented this, so clearly it is possible.

With the current federal administration, we need to step up our game at the state and local levels. We can't count on the federal government to lead the way, and we also can not afford to wait for a better administration. We need to act quickly to protect our environment.

Thank you very much,

Christina Tarr
Berkeley, 94709

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Rainbow Rubin

Sent: Tuesday, July 03, 2018 9:57 PM

To: cdetournay@comcast.net; Obermeit, Heidi <hobermeit@cityofberkeley.info>; City Clerk <clerk@cityofberkeley.info>

Subject: Ban Single Use Plastic

Dear Sir or Madam,

There is both a local and global plastics crisis. We must do more to remove single-use plastics from the waste stream, and Berkeley should be a leader. As a consumer and as someone who cares about the oceans, wildlife and the safety of our food and water, I support the proposed Disposable Foodware and Litter Reduction Ordinance.

Thank you,
Rainbow Rubin

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Rainbow Rubin, PhD MPH
Berkeley, CA 94703

From: Linda Zagula

Sent: Wednesday, July 04, 2018 11:05 AM

To: Obermeit, Heidi <hobermeit@cityofberkeley.info>

Subject: Support Single-use Foodware and Litter Reduction Ordinance

Hello,

We are in the midst of both a local and global plastics crisis. It's crucial that we do more to remove single-use plastics from the waste stream, and Berkeley should be a leader. As a consumer and as someone who cares about the oceans, wildlife and the safety of our food and water, I support the proposed Disposable Foodware and Litter Reduction Ordinance.

Thank you,

Linda Zagula
Berkeley, 94702

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: Janet Byron
Sent: Sunday, July 08, 2018 8:13 AM
To: Obermeit, Heidi <hobermeit@cityofberkeley.info>
Subject: Reducing single-use food waste

Hi Heidi,
I strongly support the proposed ordinance.
Thank you for receiving my opinion.
Janet Byron
Berkeley, CA

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Sent from Gmail Mobile

-----Original Message-----

From: Victoria K. Williams
Sent: Monday, July 09, 2018 2:06 PM
To: Obermeit, Heidi <hobermeit@cityofberkeley.info>
Subject: Support Disposable Foodware and Litter Reduction Ordinance

Dear Heidi Obermeit,

I'm writing to you as Secretary of the Zero Waste Commission say that there is both a local and global environmental crisis because of the persistence of plastics in our rivers and oceans. We must do more to remove single-use plastics from the waste stream, and Berkeley should be a leader in this effort. As a consumer and as someone who cares about the oceans, wildlife, and the safety of our food and water, I urge you to support the proposed Disposable Foodware and Litter Reduction Ordinance.

Thank you,

Victoria K. Williams
Berkeley and Richmond

On Jul 9, 2018, at 12:44 PM, Lisa Dietz <lgdietz@yahoo.com> wrote:

Dear Chairperson,

I wanted to let you know that I support this ordinance. I am unable to attend Thursday's meeting to tell you this in person, but I would be very happy to pay more for compostable take out foodware and would hope that Berkeley could be one of the leaders in this endeavor to stop the explosion of plastic waste.

We all learned how to bring our bags with us to the grocery store. I think we can learn to carry our sporks in a pocket and wipe them clean with a (small) paper napkin.

Lisa Dietz
Berkeley, 94705

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: RICK MOTAMEDI

Sent: Tuesday, July 10, 2018 10:31 AM

To: Obermeit, Heidi <hobermeit@cityofberkeley.info>; City Clerk <clerk@cityofberkeley.info>;
cdetournay@comcast.net

Subject: In SUPPORT of the Disposable Foodware and Litter Reduction Ordinance.

Ms. Obermeit and Ms. De Tournay,

We are writing in support of a ban on single-use plastic products. There is both a local and global plastics crisis and most of these plastic products are convenience items that are not necessary. We must do more to remove single-use plastics from the waste stream, and Berkeley should be a leader. As consumers who will support Berkely businesses who step up and as parents who care about the oceans, wildlife and the safety of our food and water, we support the proposed Disposable Foodware and Litter Reduction Ordinance.

Thank you,

Richard & Carrie Motamedi

June 9, 2018

City of Berkeley
Zero Waste Commission
Berkeley, CA

Dear Commissioners,

The California Restaurant Association is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members in Berkeley, we respectfully submit this letter to voice our strong concerns regarding a proposed ordinance to ban all single-use food ware for dine-in patrons.

Not allowing food service establishments to use disposable food service ware would negatively impact the ability of restaurants, cafeterias, delis, coffee houses, and other food/beverage establishments to offer many recyclable or compostable options for food ware. We believe this ordinance could result in unintended environmental impacts. Presumably, with increased use of reusable food service ware we would then see an increase in other utility usage and associated costs. Since reusable food service ware must be cleaned and sanitized, this results in increased water and energy usage.

Furthermore, encouraging the use of reusable food packaging poses serious health and safety concerns. If a customer were to bring in a reusable cup, straw, or Tupperware container to a restaurant that isn't properly sanitized, it encourages the transfer of foodborne illnesses through these products and can spread throughout the entire restaurant.

In this ordinance, there is a clause that grants a restaurant with space limitations for installing extra dishwashing and sanitizing appliances a three-year grace period to accommodate the necessary appliances to handle a change in dishwashing and sanitizing. Most restaurants operating in the City of Berkeley are small businesses that lease older buildings with limited square footage. Square footage of established buildings will not change, no matter how much time is granted. Since square footage is fixed and cannot fluctuate, attention must be paid to those who do not have room to install extra appliances.

In addition, imposing a take-out tax on cups and to-go containers is a regressive tax with larger implications for consumers. A take-out tax will negatively affect low income residents of Berkeley which sets a concerning precedent in a forward-thinking City Council.

We agree that manufactures and end users of disposable food service products certainly play an important role in reducing waste and addressing litter abatement. However, once the product leaves the restaurant establishment, it is up to the consumer to ensure that it is disposed of – or recycled/composted properly. A shared responsibility approach is necessary if the City of Berkeley is to make a real and lasting impact on the amount of material that is used.

Thank you for considering these points. Should you have any questions regarding our objections to elements of this proposal, please contact me at (650) 288-8235 or apiccoli@calrest.org.

Sincerely,

Alison Piccoli

A handwritten signature in black ink that reads "Alison Piccoli". The signature is written in a cursive, flowing style with a large loop at the end of the name.

Director, Local Government Affairs – Bay Area Region
California Restaurant Association

July 12, 2018

Special Meeting of the Foodware Subcommittee to solicit public input on the proposed Single Use Foodware and Litter Reduction Ordinance

11 members of the public attended; 6 public comments.

Notes summarizing the spoken public comments:

1. Anonymous Commenter (note taker didn't catch name)
 - In favor of the proposed ordinance
 - Current system is unacceptable
 - City-wide approach is best – more efficient/faster than relying on individuals
 - People are busy and wont always remember to bring reusables
 - The fee helps people realize that the disposable foodware item takes resources and creates waste that ends up in the landfill
 - Will promote social change in how people see disposables
 - It will make it less weird to Bring Your Own Container (BYOC); it normalizes it

2. Helen Walsh
 - People with disabilities agree with the environmental approach
 - There is a difference between convenience and a tool when it comes to persons w/disabilities, the elderly, children, people that have medical issues
 - Should make a consideration in regards to straws for people with disabilities
 - Important to provide businesses with alternatives
 - Compostable straws put businesses at a disadvantage
 - There is no current solution
 - Work with the disability community – engage with people with disabilities
 - We are environmentalists with disabilities

3. Alison Piccoli – California Restaurant Association
 - Concern from restaurants regarding the ability to sanitize customer's containers if BYOC
 - Concern regarding germs transferring to serving utensils
 - Concern about fee for disposable foodware

4. Meri Sol - StopWaste.org
 - Concern about the inclusion of bags in the definition of “disposable foodware” because there are discrepancies in the language between the County's Reusable Bag Ordinance and the City's proposed Single Use Foodware and Litter Reduction Ordinance
 - This is the most forward thinking policy on reducing foodware out there
 - It is groundbreaking to insist on reusables for dine-in
 - Charges will encourage behavior change

- Should consider how to take the burden off of individuals to BYOC
- It would be better to have reusable containers available for customers
- If reusables are available in the restaurant, it wont slow down the serving line as could happen with customers bringing their own containers
- It needs to be easy for customers to drop off dirty reusables (cups and containers)
- Meri mentioned after the meeting that she will provide detailed written recommendations prior to the Sept. 24 meeting

5. Annie Farman – Plastic Pollution Coalition

- In favor of ordinance
- It is groundbreaking
- Impact would be similar to plastic bag ban
- Support a city-wide reusable container program
- Lots of businesses have cited operational concerns with BYOC
- Consider tax breaks for reusable container system

6. Jessica – GreenFire Law

- In favor of ordinance
- Should include a separate provision to include an education component/include educational funding in the Ordinance language

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

From: stuart@telegraphberkeley.org [mailto:Stuart@telegraphberkeley.org]
Sent: Thursday, August 30, 2018 4:47 PM
To: Obermeit, Heidi <hobermeit@cityofberkeley.info>
Subject: Summary of comments to the proposed ordinance

Hi Heidi,

Here you go Comment, followed by author: We received 4 comments in addition to Marlem's from Taco Sinaloa--which you have.

I want to prioritize voices from the disabled community in this discourse that were [systematically silenced in the implementation of equivalent straw bans across the country](#).

Otherwise, no particular qualms either way — this is clearly a patchwork solution and needs to be paired with larger-scale reforms minimizing Berkeley's impact and emphasizing our community's voice in the larger conversation about systemic climate solutions.



Jeff Noven, Executive Director [ED2](#) (he/him)
Berkeley Student Food Collective
2440 Bancroft Way #102
Berkeley, CA 94704

Fully against this ordinance, labor cost is already killing us and these additional costs to us or the customers will not sit well

Danny Rodriguez
danny@smokespoutinerie.com

We echo what others are saying. Recently we increased our prices due to anticipated increase in minimum wage and rising food cost. More pass on of cost to customers will significantly impact our business. We think that adding/having a compost bin would be a better solution!

Thank you for considering!
Sharon Chung
Poke Bar Berkeley

The City should research ways to help the merchants not set them back. Before us merchants add anymore cost to our operations. The city should focus on providing a clean and safe public area. One of our vendors parked over by peoples park and got their car window broken. We had some guy sit in front of our store wrap his arm and shoot up drugs into his arm. A BPD was driving by saw what was happening and kept driving. We have bigger issues. Processing waste for merchants is already extremely expensive. If anything merchants should be receiving some sort of financial support from the cities waste management especially since Berkeley merchants can't outsource waste services. I will be attending the meeting.

Does the City have any sort of Merchant support program? The reason I ask is simply because I personally don't see any sort of assistance towards merchants.

- Rents are extremely high
- Labor is high
- Parking is extremely expensive if you operate a business.
- Parking tickets are a joke & 20 minute yellow parking is a bigger JOKE! – Parking plus parking tickets = about \$26k annual for our team.
- Waste disposal cost are insane. Just for refuge services we spent around \$36k annually. This is not including \$4k we spend on composable garbage bags. We cant even get a second quote for refuge because the only refuge service allowed in Berkeley is its own (can we be the only pizza in Berkeley?) which is BS.
- The City itself is failing apart with an increase number in street people, human waste, paraphernalia, garbage, and it is not safe. Who would want to bring their families to spend a weekend in Berkeley? Just getting off the freeway on University is embarrassing for the City. It is so difficult as a merchant to produce a sale. Now try doing it under these conditions. Its mind boggling to me how North Berkeley does not have any of the issue I list about or at least to the extreme we see it on a daily. When we call 911 their reaction is negative as if we are a nuisance and don't take our calls seriously. We have had street people spit on us, vandalize our store, vomit and shit in our restrooms, threaten to kill our employees, etc.. But again, I don't see these issues in North Berkeley. I would love for someone at the city to analyze the difference and explain.
- And lets not touch on the process of permitting within the City (insane!)

So, back to my original question. What does the City of Berkeley do for its Merchants?

Eduardo Perez
Sliver Pizza

--

**Written Public Comment on the proposed
Single Use Foodware and Litter Reduction Ordinance**

Tacos Sinaloa

2384 Telegraph Ave Berkeley

tacossinaloaberkeley@gmail.com

August 25, 2018

Dear Zero Waste Commission,

I am writing with some concerns in response to the proposed waste reduction ordinance. Although Tacos Sinaloa fully supports initiatives to reduce waste there are some concerns I would like for Zero Waste commission to consider in the drafting of the ordinance.

Concern:1 Take out Restaurants /small restaurants

Food consumed onsite: reusable dishes

Will the proposal exclude take out restaurants ?

Will the proposal exclude small restaurants who don't have the space to accommodate high volume dish washing (no space for dishwashing appliances or an additional sinks)

Concern : 2 Cost to invest on reusable dishes

Concern: 3 Timing of the ordinance

With minimum wage set to increase to \$15 in October,2018 having restaurants invest in reusable dishes, appliances, need for additional employees to perform dish washing duties will pose an economical burden on small businesses .

Concern 3: cost to customers

Telegraph restaurants like ours who serve mainly college students would like to avoid passing on an additional charge to customers.

Concern 4: encouraging customers to bring reusable containers and cups pose a food safety concern that can negatively increase mislead food contamination complaints. Without the ability for restaurants to control dinnerware sanitation restaurants cannot control for food contamination.

I recommend the city helps find vendors that can provide inexpensive compostable dinnerware instead of encouraging the use of reusable dinnerware from home. Having a list or contract with vendors will assist restaurants in the transition of using compost only takeout dinnerware.

Sincerely,

Marlem Bueno, Tacos Sinaloa Manager



Friends of Five Creeks

*Volunteers preserving and restoring watersheds of
North Berkeley, Albany, Kensington, south El Cerrito and Richmond since 1996
1236 Oxford St., Berkeley, CA 94709
510 848 9358*

f5creeks@gmail.com

www.fivecreeks.org

August 29, 1918

Heidi Obermeit, Recycling Program Manager

Members of the Berkeley Zero Waste Commission

Berkeley City Clerk, Members of the Berkeley City Council

Members of the Zero Waste Commission, City Clerk, City Council, and Ms. Obermeit:

Friends of Five Creeks, a 22-year-old all-volunteer group supporting watersheds and nature in the East Bay, strongly supports the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance. Litter and pollution remain serious problems in local waterways, and this ordinance will be a major milestone in reducing our dependence on disposable goods.

In our 22 years of work as community volunteers restoring and caring for our creeks, we have seen first-hand the persistent amounts of harmful litter along our creeks and their outfalls into the Bay, largely due to food containers and to-go materials. On 2017's Coastal Cleanup Day, volunteers picked up 3,761 lbs. of trash, including 24,284 small plastic pieces, 7,241 food wrappers, 2,505 straws and stirrers, and other litter, along the shorelines of Emeryville, Berkeley and Albany, where birds and fish feed. In turn, as of 2017- 18 there is more microplastic pollution in SF Bay than in many other US bodies of water (three times concentrations in Lake Erie).

Even the seemingly less harmful manufacture of paper cups nationally produces 2.2 billion tons of waste and 4 billion tons of CO2. At the same time, recycling has become less possible or cost-effective. As the Center for Environmental Health states, "single-use foodware is ... a non-sustainable option even if the materials are compostable or recyclable." This measure, and future possible increases in its coverage, would significantly return to re-use practices.

Many community members are as concerned about this problem as we are, and welcome ways to begin to tackle it. This ordinance will do just that. Many local businesses also support this measure; the \$.25 charge for disposable foodware seems fair and feasible.

Friends of Five Creeks looks forward to joining with the City of Berkeley on Coastal Cleanup Day on September 15, 2018 -- and to seeing how much this ordinance achieves in reducing litter and pollution in urban runoff, local creeks, and the Bay next year.

Sincerely,

Susan Schwartz, President, Friends of Five Creeks

Written Public Comment on the proposed Single Use Foodware and Litter Disposal Ordinance

Sent: Tuesday, July 17, 2018 11:16 AM
Subject: My family's support for the proposed Single-use Foodware and Litter Reduction Ordinance

Dear Ms. Hobermeit,

Just wanted to you to know that although I am rehabbing from surgery and couldn't attend the July 12 meeting, my family and I still strongly support the proposed ordinance.

Yours truly,

Melanie Lawrence
Allston Way

Sent: Saturday, July 28, 2018 10:06 PM
Subject: City of Berkeley Single Use Foodware and Litter Reduction Ordinance

Hello,

Very happy to see this effort happening and it also seems like a particularly easy problem to solve. I will suggest my obvious solutions mostly

as reinforcement for what is probably already on the minds of many other people. Only paper based materials used (yes paper comes from trees

but it is a rapidly renewing resource and usually compostable or recyclable and not a pollutant in landfills). Any plastic for forks, spoons etc. must

be of the compostable/recyclable variety. The city should approve manufacturers of these goods and make a list available of supply companies who are interested in providing the goods for merchants.

Merchants should also be encouraged to allow customers to bring in their own containers to pick up take out food. Customers should be encouraged to start

or continue cooking at home to save money, resources such as packing materials and to likely cut down on automobile traffic. Perhaps cooking programs at local community colleges can be enhanced and expanded.

Thank you for your efforts and allowing people to provide input and encouragement.

Kasra Kamooneh, President / CTO
Certified Green Building Professional

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Sent: Sunday, July 29, 2018 10:43 AM

Subject: Re: September 6th @ 6pm - Invitation to provide input on the proposed City of Berkeley Single Use Foodware and Litter Reduction Ordinance

Hi!

I am a former restaurant owner in Berkeley. I would say I am definitely an environmentalist. My companies have been certified green for the last 10 years by the county of Alameda.

The restaurant business is under siege right now with limited labor availability, rising labor costs, and rising food costs. Many restaurants are on the verge of closing or have already closed.

Do not pick on restaurants right now. The timing is horrible. If anything, offer some kind of tax credit or incentive for following these guidelines rather than a law that puts more financial pressure on restaurants.

Sincerely,
Hugh Groman

Follow us on instagram! [@hughgromangroup](#)

The Hugh Groman Group

Office: 510-647-5165

Phil's Sliders: 510-845-5060

www.hughgromangroup.com

www.greenleafplatters.com

www.hughgromancatering.com

www.philssliders.com

Sent: Tuesday, July 31, 2018 12:50 PM

Subject: plastics

I don't know much about what is being proposed, but generally speaking, I think it is crucial for Berkeley to take the lead in promoting less plastic usage in all areas of life/living, business!

Thanks
Karen weil
1209 Bonita avenue,
berk. 94709

Written Public Comment on the proposed Single Use Foodware and Litter Reduction Ordinance

Sent: Tuesday, September 04, 2018 12:08 AM

To: hobermeit@CityofBerkeley.info; Sophie Hahn; Jesse Arreguin

Cc: Berkeley City Council; Berkeley City Council

Subject: Foodware Subcommittee and Zero Waste Commission - Single Use Disposable Food Containers

Dear Foodware Subcommittee Members, Zero Waste Commission, Mayor Arreguin and Sophie Hahn Councilmember,

There are really two problems with the littering of single use food containers. One is the single use containers and the other is trash including single use containers strewn in the streets, sidewalks, yards, really across Berkeley.

Durham, North Carolina Green ToGo

It was disappointing in reading the proposed ordinance and materials for decreasing waste and single use containers that the Durham, North Carolina Green ToGo Reusable Takeout Container Service was not mentioned nor seemed to be considered as an option in decreasing single use containers. There are a number of articles about the Green ToGo program which can be easily found through internet search, it was even featured on PBS Newshour August 21, 2018.

Here are two links:

<https://www.pbs.org/newshour/show/this-restaurant-takeout-service-swaps-styrofoam-for-sustainable>

<http://clarioncontentmedia.com/2016/11/durham-green-togo-reusable-takeout-container-service/>

Trash

As I noted in the public comment period to City Council on return from travel in the midwest there was a sharp contrast between leaving Berkeley, the Oakland Airport and arriving in Minneapolis/St. Paul, MN. The Oakland Airport was filthy, the Minneapolis St Paul Airport was immaculate. The night I arrived and stayed in Bloomington, MN, the local news had a special on the best school custodian and the recognition given by the custodian to the students with the cleanest classroom. As I traveled across the mid-west streets, sidewalks, parks, nature preserves even city centers were pleasant and absent of scattered trash. I was struck over and over how nice it was not to see trash scattered everywhere. Trash cans were conveniently located and people used them. Contrast that with Berkeley. It only takes a short walk outside.

Kelly Hammargren

Resident

Date: Mon, Sep 3, 2018 at 3:43 PM

Subject: Proposed Berkeley City litter reduction ordinance

To: stuart@telegraphberkeley.org <stuart@telegraphberkeley.org>

Cc: ryan <ryan.piscovich@icloud.com>, ryan@yogurtpark.com <ryan@yogurtpark.com>

Hi Stuart,

I am the owner of Yogurt Park, Berkeley, (41 yrs. and counting)! I would like to address the new city ordinance proposal to charge a .25 cent surcharge to customers to reduce waste/litter for cup/containers that are used in or taken out of our business. I am not sure if I understand the scope of this ordinance, but would like to give some thoughts for consideration.

We have 3 specific sizes of Yogurt Park logo cups/containers that are priced by-the-cup size (mini-6.oz./small-12oz./large-16oz.). We cannot allow customers to bring in their own reusable cups/containers as our 3 YP size choices reflect the price of each sale. Additionally, we feel customers who would bring back our YP cups to have refilled could cause health/sanitary issues, as our yogurt product contains live yogurt cultures/milk and if not sanitized properly, could cause customers to become ill, which would directly reflect on our business. Essentially, all of our sales are considered take-out, as customers may or may not choose to sit on our limited bench seating for a short time after purchasing our product at the counter. Adding .25 cents to every cup/container sale would have a tremendous negative effect on our customers, as there is a product/cup price that becomes "too pricey" for a cup of yogurt. The student market is very conscientious of pricing, as well they should be (we already offer a lower cash discount). Oct. 1, we must increase our pricing as Berkeley's employee living wage law becomes effective. By adding the .25 cent cup surcharge would make purchasing our product a negative one. We have not been able to raise our prices in years to cover increases in food costs/ taxes/ rents/ wages/ compostable cups....to list a few.

I encourage the City of Berkeley to again put the small business community back on it's radar....I feel they have "taken their eye off the ball" on the South side. As an example, until recently there were 4 yogurt permits/businesses within 1 1/2 blocks of my long established location (the 3 other stores have gone out of business). Competition can be good for consumers, when not overdone. Also, it seems there are more chain stores being issued permits on the South side than were allowed many years ago....which again does not help the small business establishments.

Stuart, thank you for your help. I may not be able to attend the Thurs. meeting, but if you have any questions of me, I can be reached. I would appreciate any information you receive from the meeting if I cannot attend.

Sincerely,
Marty Piscovich, owner
Yogurt Park

Sent: Thursday, September 06, 2018 6:59 PM

To: Obermeit, Heidi <hobermeit@cityofberkeley.info>

Subject: Please ban plastic silverware and single use take out meal containers

Ms. Heidi Obermeit (Zero Waste Commission) Berkeley Recycling Program Manager

I advocate for Berkeley to step forward with a law to reduce "food served with a side of garbage". Please ban single-use plastic items like plastic silverware, plastic beverage cups, plastic condiment or dip cups, and plastic salad containers, and the cardboard surrounding grilled cheese type sandwich that gets greasy.

67% of Bay Area street litter is disposable foodware. I support reusables and I want to help restaurants feel supported in knowing that this can, and does work!

I support making reuse the norm and reducing throwaway items when eating out.

I much prefer using a steel fork and spoon which is sturdy and reuseable, I would prefer also dip or condiments served in dishes that can be used many times by many customers. And I much prefer drinking from glass glasses which can be washed and reused.

On a global basis, only 14% of plastic is collected for recycling. The reuse rate is terrible compared to other materials -- 58% of paper and up to 90% of iron and steel gets recycled.

Research shows there will be [more plastic than fish by weight in the world's oceans](#) by 2050, which has spurred policy makers, individuals and companies into action.

Last month 40 companies including Coca-Cola ([KO](#)), Nestle ([NSRGF](#)), Unilever ([UL](#)) and Procter & Gamble ([PG](#)) [pledged to slash the amount of plastic](#) they use and throw away in the United Kingdom.

It is time for Berkeley to take a similar pledge to reduce throw away plastic silverware and meal containers.

--

Beth Schmaltz,
1006 High St.,
Madison, WI . 53715

Melissa Hatheway
Director of Marketing and Community Relations
Rialto Cinemas @ Elmwood
Berkeley's Best Neighborhood Movie Theater

2966 College Avenue at Ashby
Berkeley, CA 94705
Tel 707 829-3456
mhatheway@rialtocinemas.com

Thank you to the City of Berkeley, this commission and all the organizations that have been working on this ordinance. We agree wholeheartedly with its goals but the hardship that this ordinance would present to us is onerous.

We are the only independently-owned movie theatre in Berkeley. We are also a movie theatre without a kitchen nor any room for a kitchen. Our more than 100-year-old building has limited space. We have 275 seats – on a Friday or Saturday night let's say we have three sets of close to sold out shows – and half those folks purchase a drink or popcorn we'd need to have 400+ cups in 3 sizes to keep up as well as the same number of bowls in three sizes. We will never have enough room for a dishwasher nor the storage space necessary. Additionally, this would add to our overhead and therefore our ticket prices. Our patrons are cost conscious and would travel to Emeryville, Piedmont and even farther afield. Complying with this program will put us at a great business disadvantage due to the cost.

Again, we applaud the spirit of this ordinance but it is our opinion that it needs to consider the users and how they do business.

Sent: Thursday, September 06, 2018 6:14 PM
To: Obermeit, Heidi <hobermeit@cityofberkeley.info>
Subject: Berkeley Commission on Disability Letter to Zero Waste Commission with related attachments

Hi Heidi,

I have been sent here tonight by the Berkeley Commission on Disability.

Our Statement follows along with attached letter and documents.

Helen Walsh
Berkeley Commission on Disability

Creating an environmentally conscious place for all
cities across the state of California, including San

Francisco and Berkeley, the Commission on Disability recognizes that single use plastic cause hazardous effects to our plants and animals on land and in the ocean.

However, we also recognize that people who are in hospice care, seniors, small children, and those with disabilities depend on straws to drink, eat, take medications, etc. in daily use.

A straw is a tool not a convenience.

Many people with disabilities, have a clear need for straws as tools to drink beverages at home and in restaurants. By leaving this community out of the conversation, commissioners are making decisions that may dramatically impact quality of life without gathering input on impacts, recommendations and alternatives from the very group that is most affected by access to straws (or lack thereof).

The disability communities voice therefor should be considered and included in the conversation.

The Berkeley Commission on Disability is requesting that the Zero Waste Commission take proactive efforts to reach the disability community, host a forum or specific meeting session, and continually gather input

from disability stakeholders before finalizing any ordinances and proposing them to City Council.

We are submitting this letter to the Zero Waste subcommittee that will provide both recommendations and information to support a more inclusive process.

Thank you.

Sent: Friday, September 07, 2018 2:00 PM

To: Obermeit, Heidi <hobermeit@cityofberkeley.info>; Martin Bourque <martin@ecologycenter.org>; Arreguin, Jesse L. <JArreguin@cityofberkeley.info>; Hahn, Sophie <SHahn@cityofberkeley.info>
Subject: Proposed City of Berkeley Single Use Foodware and Litter Reduction Ordinance

Heidi, Martin, Jesse, Sophie,

Sorry to be late to be meeting yesterday at Sports Basement

I am writing for myself, and not the DBA (which has not taken position on issue.)

Personally, I support the 25 cent charge on coffee/beverage cups, but think it should be done as a Phase 1.

I think the City should wait to do a Phase 2. Take-out food container should come later after we have some experience re coffee/beverage cups in Phase 1 and figured logistics for returning food containers.

Specifically, I do quite a bit of take-out for dinners where I call ahead and food is waiting for me to pick up. I always wash out and save plastic containers but have not figured out how to return them.

Martin, thanks for telling me about GO-BOX which look promising. Perhaps we could a voluntary pilot program and see how it works?

Cheers, John

John Caner
2215 Roosevelt Ave.
Berkeley CA 94703

Sent: Friday, September 07, 2018 4:32 PM
To: Obermeit, Heidi <hobermeit@cityofberkeley.info>
Subject: Disposable-free dining!

Hello,

I just wanted to write in support of this. My family spent this summer learning how to life without buying single-use plastic, or things wrapped in single-use plastic, and once you've set up some new routines it's really not that hard. Grocery shopping and eating out were the biggest two hurdles. I understand that citizens can be resistant to having ideas imposed upon them, but I really think the situation is already so awful that we need regulation to make significant shifts in consumer and company behaviour. I wholeheartedly support this and would be happy to help in whatever way would be useful.

I also wrote about my family's [plastic-free mission](#) for the Chronicle a few weeks ago, if that's useful.

All the best,

Jemima

--

Jemima Kiss // jemimakiss.com

September 6, 2018

Special Meeting of the Foodware Subcommittee to solicit public input on the proposed Single Use Foodware and Litter Reduction Ordinance

30 members of the public attended; 14 public comments.

Summary of Public Comments:

1. Jim Trevor – Artichoke Basille’s Pizza

- The proposed Ordinance is well-intentioned
- Our business only serves to-go; they do not have a dine-in option due to City regulations
- A \$0.25 fee shouldn’t be imposed on restaurants that aren’t allowed by the City to accommodate a dine-in option
- We do not want to produce more trash from disposable foodware
- Health Department frowns upon individuals bringing their own containers (BYOC)
- It is important to consider the impact of this proposed Ordinance to local businesses

2. Paul – GoBox SF Bay Area

- GoBox offers reusable cups and containers
- Vendor resources should be made available to businesses
- There should be incentives for use of reusable to-go containers
- There should be incentives for businesses to get a dishwasher
- The City could bundle vendor services/resources for businesses
- To support BYOC, I suggest itemizing the “charge” for BYOC with a “\$0.00” on the receipt so customers see that the financial benefit of bringing their own container instead of paying the \$0.25.

3. Melissa Hatheway - Rialto Cinemas Elmwood

- We are the only independently owned theater in Berkeley
- We are in a 100yr old building; they do not have a kitchen or have room for a kitchen
- We do not have room for a dishwasher or storage space for reusables
- We have 275 seats; we don’t have the capacity to collect, wash or store that many cups or dishes
- Patrons are cost conscious
- NOTE: Melissa submitted written comments

4. Helen Walsh – representing the City of Berkeley Commission on Disability

- Single Use Disposables impact the environment

- People with medical issues, in hospice, seniors, and children may depend on straws to eat or take medication
- Straws are a tool, not a convenience
- NOTE: The Commission on Disability submitted written comments

5. Jamie Smith – Clean Water Action

- Through Clean Water Action’s ReThink Disposable Program, over 100 Bay Area businesses have collectively:
 - saved an average of \$3,000/year
 - prevented 122,000 pounds of waste
 - eliminated the use of over 10 million pieces of trash
- Businesses accomplished this feat by switching to reusable foodware for on-site dining
- Although some businesses voluntarily eliminate/reduce use of disposables, it will take leadership of this City Council to make an effective impact.
- Cost of increased water use from washing reusables is a common concern from businesses; in reality, the increase in cost is insignificant.
- The use of disposables wastes water; the water used to produce, distribute and manage disposables is significantly greater than the water needed to wash a reusable item thousands of times.
- I ask City Council to adopt this Ordinance

6. Sam – Third Culture Bakery

- I am a Business Owner and UCB graduate with an Environmental Science background
- Support intent of proposed Ordinance
- Not sure how this will work in practice at a bakery with sauces, whipped cream, etc.
- Hygiene/safety is a big concern
- Have seen problems with people BYOC when he worked for a coffee shop; people would bring in moldy cups and cups containing spoiled milk
- Need a balanced approach
- Need to have health department and other stakeholders involved
- Most logical progression would be to promote compostables
- Disappointed that compost isn’t emphasized
- Recommend the City rethinks the Ordinance and moves in a more natural progression

7. Business Owner from Top Dog

- Recommends compostable containers be adequate to dodge the to-go fee
- The fee is an administrative hassle
- BYOC is problematic – have to comply with Health Department regulations
- We do not have space for a dishwasher

- Concern about reusables (especially glass or porcelain) being used as projectiles
- We currently bolt everything down (napkin holders, etc.) because this has been a problem; it is dangerous/a safety concern for his staff.

8. UC Berkeley Student

- The work Clean Water Action is doing is very important
- Should inform businesses about compost bins/encourage participation in the compost program
- Is 9 auditors enough? Should encourage Clean Water Action to work with local groups and hire more auditors or interns
- Information is going to be very important in this process

9. Tom – Farm Burger

- We are in Berkeley because we care about Berkeley
- Sales volume in Berkeley is 30% of our East Coast locations
- Our business has been using compostable foodware
- It is important to consider unintended consequences
- Worried businesses will move away from compostable foodware
- Staff live on tips; concerned that the impact of the fee will be a reduction in tips for staff
- The minimum wage law is already a major impact
- I support inclusion of health inspector in this process
- Businesses spend a lot of time figuring out how to comply with health regulations

10. Farhad Salehian – DishJoy

- Our company seeks to profit off of the problems raised tonight (i.e. lack of dishwasher capability)
- The only solution is to share dishwashing services
- We already do it for corporate campuses and we could easily transition to help businesses

11. Ed - Super Duper Burger

- Ask that the City helps business owners with costs
- The City should work with manufacturers of disposables to purchase compliant foodware in bulk so businesses can pass savings on to consumers

12. John Hanscom – Berkeley resident

- It is not enough to say, “go recyclable” or “go compostable”. It is important to figure out how to reduce waste, not focus on how to recycle and compost the waste that is generated.

- There is an excess of plastics when ordering food to-go. You often end up with a handful of utensils, straws, etc. put in the bag.
- We need to be more thoughtful about what is going out the door.

13. Jack Macy – Berkeley Resident

- Appreciate all the comments from businesses
- It is much more environmentally preferable to use reusables over compostables
- If using fiber, half is going to be released as carbon dioxide in the compost process
- PLA often gets screened out at the compost facility or doesn't fully break down
- There is a huge difference in resources used with disposables vs. reusables.
- Businesses are saving money by switching to reusables; it is a win/win
- SF just passed a similar law
- This is a model that will spread to other cities
- Health Department doesn't say that businesses can't refill containers; they just need to follow certain handling practices.
- It can work; I fully support this ordinance.

14. Miriam Gordon – UpStream

- Has researched the health code extensively re: BYOC and created a fact sheet
- CA Department of Health controls local health inspectors
- Health Dept allows refilling of containers, but requires contamination-free practices
- UpStream is working on a guidance document for how to refill customer's BYOCs
- There is a hardship exemption for businesses in the proposed Ordinance; businesses can make the case if they don't have the ability to wash dishes onsite.
- \$0.25 creates a level playing field
- There is cost savings for businesses if not purchasing disposables
- Need a reliable external system for to-go containers to make this easier for businesses and customers

To: To the Secretary and to the members of the Zero Waste Commission
From: Commission on Disability
Submitted by: Commission on Disability, Chairperson: Leeder
Subject: Plastic Straws Recommendations

RECOMMENDATION

Conduct a public hearing and Inviting people with disabilities / Medical conditions from the Public to a stakeholder meeting partnered with the Zero Waste Commission for further recommendations regarding plastic straws. We, the Commission on Disability request that both the Zero Waste Commission and our Commission hold sessions with community members, similar to the meeting that the San Francisco Mayor's Office on Disability hosted along with SF Environment Department.

SUMMARY: Creating an environmentally conscious place for all cities across the state of California, including San Francisco and Berkeley, the Commission on Disability recognizes that plastic straws and plastic cups with lids cause hazardous effects to our plants and animals on land and in the ocean. However, we also recognize that people who are in hospice care, seniors, small children, and those with disabilities depend on straws to drink, eat, take medications, etc. in daily use. While some might think the answer is simply to ditch plastic straws altogether, small children or people with certain disabilities rely on them to drink and even eat. It is important to engage this community as a whole (and not just individual agencies or nonprofits) when developing ordinances around single-use plastics and plastic straws specifically, because these ordinances may dramatically impact the independence, health, and quality-of-life for people who require straws to drink. We are requesting that the Zero Waste Commission take proactive efforts to reach the disability community, host a forum or specific meeting session, and continually gather input from disability stakeholders before finalizing any ordinances and proposing them to City Council.

FISCAL IMPACTS OF RECOMMENDATION: Minimal.

CURRENT SITUATION AND ITS EFFECTS:

The Berkeley's Zero Waste Commission is tasked with writing up an ordinance to finding an alternative solution to using plastic straws to recommend to the city council. In general, Berkeley's Zero Waste Commission held public meetings geared toward

environmental and business stakeholders, but did not specifically engage with stakeholders with disabilities. Many people with disabilities, though, have a clear need for straws as tools to drink beverages at home and in restaurants. By leaving this community out of the conversation, commissioners are making decisions that may dramatically impact quality of life without gathering input on impacts, recommendations and alternatives from the very group that is most affected by access to straws (or lack thereof).

Some of the reasons why straws are so important for people with disabilities include:

- “It’s important to recognize that, for some people, the use of straws is a necessity. Due to deficits in manual dexterity and various other factors, a significant number of folks require straws to drink beverages” (ref. CIL letter to the Zero Waste Commission 06/2018, attached)
- For these people with disabilities, straws are not a “convenience” for drinking beverages, but rather a “tool” to do so.
- Lack of access to beverages is not just frustrating – it can impact independence as well as health. If individuals cannot drink water or other beverages with food, they may have trouble swallowing and then choose to avoid eating out altogether. If they are in the community during the day and get thirsty or dehydrated, a lack of access to beverages (using straws as tools) threatens dehydration and related health impacts. There are many other concerns which could be brought up by the community during forums and communication with the Zero Waste Commission.
- People with disabilities choosing to avoid Berkeley’s businesses because they cannot drink beverages may have a negative impact on those businesses’ economic success, as well.
- Some alternatives to straws that have been suggested to people with disabilities are unreasonable or impossible to do reliably. For example, the suggestion that people use coffee cups (as they have handles) still does not work for many with limited strength or dexterity, and many businesses also do not carry cups with handles. Asking a friend or personal care attendant to hold a cup may result in spills and violates the very principles of independence for many people with disabilities. Other alternatives pose similar problems.
- Certain alternatives to *plastic* straws specifically have their own issues. For example, paper straws may begin to dissolve in hot or carbonated beverages and can even lead to choking for people with existing difficulty swallowing. Businesses providing reusable straws and then cleaning them is also unreliable and potentially unhealthy, especially as the most widely-used type of reusable straws (Silicone) are porous and have concerns about cleanliness.
- Asking people with disabilities to purchase their own straws (whether single-use or “reusable”) and bring them to restaurants presents an undue burden toward simply being able to have beverages outside the home. Somebody may forget a straw and be unable to drink beverages during the day, and cleaning reusable

straws can be unreliable or difficult to do midday (especially for individuals with dexterity difficulties). Purchasing straws is yet another financial burden for a community that is disproportionately low income, many of whom rely on Supplemental Security Income (SSI) payments under \$1000 per month.

- Proposals to charge extra for straws at restaurants themselves similarly place a financial burden on individuals who require them to drink. Even \$.25 per item – similar to the charges suggested in the Disposable Foodware and Litter Reduction Ordinance draft for to-go cups and containers – could add up to easily \$20 or \$30 per month, or more. Individuals on SSI may have well under \$100 in flexible disposable monthly income, so this is significant.

The Commission on Disability recognizes that environmental concerns in general are extremely important. As the Center for Independent Living noted in its letter,

“Just like responsible citizens without disabilities, responsible people with disabilities recognize the importance of maintaining (or, better yet, increasing) our planet’s health. In fact, the disability community arguably has a heightened interest in environmental integrity as toxic environments can exacerbate disability-related medical conditions and can even, in some cases, lead to the acquisition of disabilities.”

However, we remain concerned that people with disabilities have not been provided sufficient opportunity to give input on Disposable Foodware and Litter Reduction Ordinance or similar measures. Nonprofits such as CIL are already inundated with existing work supporting individuals’ independent living needs and cannot be expected to be the go-to advocates in city proceedings, as it goes beyond their scope of work. The Zero Waste Commission and related Subcommittees should take concerted efforts to reach community stakeholders with disabilities at all levels, gather input through forums or other means, and take those considerations into effect when drafting any policy. The members of the Commission on Disability are open to assisting in these efforts.

BACKGROUND:

California restaurants could only provide plastic straws to customers upon request if Gov. Jerry Brown signs a measure now headed to his desk. Assembly Bill 1884 covers full-service dining, but not takeout establishments like fast-food restaurants. Further information on this bill is available

at: https://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201720180AB1884

Either way, as California is currently working on passing the bill above, now each city within the State of California has to come up with its own ordinance with taking a stance on plastic straws and other plastic containers.

As others have noted (see attached Berkeleyside pieces from June 2017 and April 2018, and CIL's letter), there are multiple options – but regardless, it is imperative that any City stakeholders include everybody who may be affected by disposable foodware ordinances. We generally agree with CIL's following statement:

“As the [June 2017] Berkeleyside article makes clear, there are various ways that Berkeley could reduce or eliminate the use of disposable plastic straws while simultaneously accommodating the needs of those for whom straws are not a luxury. ‘Soft bans,’ biodegradable disposable straws, and reusable steel straws are some potential solutions mentioned in the article. Although we are not currently advocating any particular solution, we are urging the City of Berkeley to ensure that those who need straws will continue to have access to them.”

A few suggestions include:

- The city of Berkeley and other cities must make some expectation for those individuals who really rely on straws on a daily basis.
- Perhaps coffee shops and restaurants could make plastic straws available only on request – just like when California had a water drought crisis and people asked for a cup or glass of water upon request.
- The cities could give out reusable plastic straws to those who need them and have these people keep these reusable straws in order to reuse them over and over again. As noted earlier, though, cleaning and reusing straws may be difficult for some of our community members.

ENVIRONMENTAL SUSTAINABILITY

This community involvement strives to protect the environment while either making an exception for individuals with disabilities and medical chronic conditions upon request or come up with an alternative solution to using plastic straws that works for everyone.

ALTERNATIVE ACTIONS CONSIDERED: Get the business community and members of the disability community from various Bay Area cities to partner and create a subcommittee between the Zero Waste Commission, the Commission on Disability and groups such the Ecology Center to come up with solutions that fits everyone's needs. Berkeley could also sponsor an “innovation competition” to come up with straw alternatives that meet people with disabilities' needs as well as environmental concerns.

CONTACT PERSON

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Attachments:

- 1: Statement from Center on Independent Living (CIL) on plastic straws and people with disabilities. (Zero Waste Commission Agenda Packet Regular Meeting June 25, 2018, pages 24-25)
- 2: Berkeleyside NOSH - "What you should know about the Berkeley straw band proposal" (June 6, 2017)
- 3: Berkeleyside NOSH - Berkeley considers charging restaurant customers a fee for disposable foodware (April 26, 2018)



StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.

September 5, 2018

Ms. Heidi Obermeit
City of Berkeley
2180 Milvia Street,
Berkeley, Ca 94704

RE: Comments on City of Berkeley Single Use Foodware and Litter Reduction Ordinance

Dear Heidi,

Thank you for giving us the opportunity to provide comments to the City of Berkeley’s forward thinking Single Use Foodware and Litter Reduction Ordinance. Below are our comments based on our experience in adopting and implementing various ordinances, including the Reusable Bag Ordinance (Ordinance 2016-2, attached here as a reference). We also based our comments on our work in the food reduction and recovery areas.

Section 1

1C. Definition of “Takeout Meal”

Includes several different entrée/item configurations and “up to three disposable Food Containers”. If the intent is to charge \$.25 for every 3 disposable containers, these charges could be difficult to interpret and implement by food vendors, complicated to monitor for enforcement, and confusing to customer.

Would Reusable Cups and Reusable Containers have their own separate definitions?

1E. Disposable Foodware Definition– includes all bags, sacks, wrappers.

We recommend removing the word *bags* from the definition of Disposal Foodware to avoid confusion between the [Countywide Reusable Bag Ordinance 2016-2](#) and the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.

Including *bags* in the definition of Disposable Foodware creates a conflict with the Alameda County Reusable Bag Ordinance 2016-2. The definition for a compliant reusable bag under [Ordinance 2016-2](#) is different from the standards set forth in Section 3 under the Disposable Foodware Standards. The Foodware Standards in Section 3 in the proposed ordinance allow for compostable bags; however, the majority of non-paper compostable bags will not meet the durability standards set forth in Ordinance 2016-2 and therefore the two ordinances conflict. Removing bags from the definition resolves the conflict.

Member Agencies:

- Alameda County
- Alameda
- Albany
- Berkeley
- Dublin
- Emeryville
- Fremont
- Hayward
- Livermore
- Newark
- Oakland
- Piedmont
- Pleasanton
- San Leandro
- Union City
- Castro Valley Sanitary District
- Oro Loma Sanitary District

Section 2

2A. Consider phasing in the requirements for utilizing Reusable Foodware and compliant Disposable Foodware. These are two significant changes for a business to comply with at the same time.

2C. Request of Waivers

Waivers may be granted for up to three years – some questions to consider:

What would a partial waiver include?

What happens after 3 years?

What constitutes “make every effort to become compliant”? What type of activities/efforts would the city consider?

What types of thresholds would be considered allowable under “space constraints?”

Who will review/approve waivers? Will there be an online system set up?

Consider requiring Prepared Food Vendors that do request a waiver to, at a minimum, place all disposables in dispensers that are designed to limit consumption such as straws napkins, etc. ReThink Disposable has found that this practice helped reduce waste.

With over 500 restaurants in the City of Berkeley, many who currently are not using reusable ware, the City may have many requests for waivers. You might want to consider creating a specific webpage that clearly outlines the process, allowances and some type of database/electronic system to handle requests.

2E - There is a reference: “to meet the Disposable Food Packaging Standards in Section 3. There is no definition of Disposable Food Packaging in Section 3 or in the definition section of the proposed ordinance. Consider referencing Disposable Foodware instead.

Section 3. Disposable Foodware Standards

3A – City to maintain list of approved Disposable Foodware source and types and where physically available.

Consider referring to organizations that maintain regularly updated lists of products that meet ordinance requirements. With the rapidly changing products in the market, creating and updating a list can be a very time consuming activity for staff; and this type of list can become outdated very quickly if only updated annually.

3Bai Will Prepared Food Vendors have the adequate infrastructure (front of the house) for patrons to compost and/or recycle the foodware required by the ordinance?

3Bb Disposable Foodware approved by the City shall meet the following standards:

Confirming requirement 3Bb “Free of all intentionally added Fluorinated Chemicals as certified by the Biodegradable Product Institute (BPI) or other third party certifying agency “ aligns with BPI’s schedule to certify these products. Per the BPI website:

<https://www.bpiworld.org/Fluorinated-Chemicals> a complete list of these certified products will not be available until December 2019.

Section 4 Disposable Foodware Charges.

Customers shall be charged for Disposable Foodware used for dining off premises.

4A and 4B. Please note, if the “to go” meal is served in a compliant reusable bag, an additional minimum \$0.10 will need to be charged to comply with Ordinance 2016-2, which could increase total “Takeout Meal” charges to be greater than \$0.25. There is no charge for carryout food given to customers in compliant paper bags.

4B –Lack of alternatives (to disposable foodware) might not change consumer behavior in the way that the ordinance intended, e.g. consumers will still have to pay for containers that may end up in the trash can.

4C – Income from charges shall be retained by the Prepared Food Vendor. However, Section 6C stated that the City Manager will collect and receive all fees imposed by this section. While we understand that Section 6 relates specifically to enforcement, it might benefit from some clarification.

4D – Under Ordinance 2016-2, carry out of leftover food given to customers in a bag (“doggie bag”) are subject to a minimum \$0.10 charge if the bag is a reusable bag (which can be a thick, durable plastic bag compliant with Ordinance 2016-2). There is no charge for carryout food given to customers in compliant paper bags.

4F – If the intent of the language is to require vendors to provide a line item for both cups and foodware on the receipt, please note that requiring separate line items with charges can be problematic for a vendor as many cash registers are not able to create specific line items for these types of additional charges.

The Reusable Bag Ordinance implementation shows that many cash registers do not have the capacity to make individual line item descriptions. The Reusable Bag Ordinance requires a minimum \$.10 per compliant reusable bags distributed at eating establishments and that charge needs to be itemized on the receipts. However, we allow the utilization of a general category such as Misc. with the appropriate charges to make implementation feasible for affected entities.

A note regarding consumer's reusable containers.

Consider potential concerns regarding consumers wanting to bring their own reusable containers for takeout food to avoid charges (and protect the environment).

In our experience, food service operators are wary of health code violations that will result in a citation if they allow anything beyond reusable cups, which can be sanitized with hot water before filling. Many restaurants will not accept reusable containers brought from home for take-out food, which in essence requires a patron to pay for disposable foodware despite bringing their own container. Vendors cite health code violations that stem from Code ambiguity described below:

[The Current California Retail Food Code](#) is clear on the allowance of consumer's reusable cups (Article 7 114075 if 2018 Code) for beverages and use of consumer's personal reusable containers for leftovers *from consumer's plates*. Where the code is not clear is regarding the use of reusable food containers from home for food to go. Specifically in the scenario where a bring your own (BYO) container passes from customer over the counter to back of kitchen to be filled with food and handed back to customer. Has the Berkeley Environmental Health Dept. confirmed that consumers are allowed to bring their own containers from home to be used for take-out food? If the City Health Dept. determines this type of activity is permitted, consider providing food vendors with outreach materials confirming these activities are allowed by law.

Section 5 Signage Requirements for Takeout Food Vendors

5A – Require vendors to post signage. Consider providing small postcard sized signage, as many vendors do not have space to post signage. Experience with Reusable Bag Ordinance shows less than a quarter of the affected eating establishments posted outreach materials provided by ACWMA, which should be a consideration if this is the main outreach vehicle for the City to notify customers of the law.

We hope that these comments are helpful. Please do not hesitate to contact us if you have any questions.

Regards,



Meri Soll
Senior Program Manager

5 Gyres ♦ Algalita Marine Research Foundation ♦ Break Free From Plastic
Californians Against Waste ♦ Center for Environmental Health ♦ Clean Water Action
♦ Judith Enck ♦ Global Alliance for Incinerator Alternatives ♦ Institute for Local Self
Reliance ♦ Plastic Pollution Coalition ♦ Seventh Generation Advisors ♦ Story of Stuff
♦ Surfrider ♦ UPSTREAM ♦ Zero Waste USA

September 17, 2018

Berkeley Zero Waste Commission
2180 Milvia Street
5th Floor Berkeley, CA 94704

Re: Single Use Foodware Reduction Ordinance- STRONG SUPPORT

Dear Zero Waste Commission:

The undersigned organizations applaud the proposed ordinance (Item #34, introduced April 24, 2018) to reduce single use food-ware and litter. This measure will help Berkeley reduce plastic and packaging waste in food service and ensure disposable food-ware is safer for health and the environment. It represents a brave step forward in tackling a tough problem.

We are at a pivotal moment in time. The China National / Green Sword is leaving many U.S. cities without options for recycling mixed paper and plastic. Meanwhile, the petrochemical industry is putting in place infrastructure aimed at increasing plastics production by 400% over the next 30 years.¹ Cities all across the U.S. are drowning in single use packaging, primarily plastic, that is hard to recycle and compost. These are products- typically used in a manner of minutes- that have huge environmental impact, regardless of whether they are made from petroleum based plastic, bio-plastic, paper, or agricultural waste. From the devastation caused by extraction of natural resources or industrial agricultural production, to the energy, toxic chemicals, water use, and pollution associated with production, to the greenhouse gas emissions and pollution in the environment when they are disposed, single use products - no matter what materials they are made of- significantly harm the environment and human health.

It's time to choose the 2Rs- Reduce and Reuse. It's clear that we can't recycle and compost our way out of this deluge of plastic and packaging waste. Berkeley is wise to seek solutions at the top of the waste management hierarchy (Reduce, Reuse, Recycle) to drive reduction and reuse. If local government is to reach the 75% diversion from landfill goal of AB 341, it will have to do more than recycle and compost. Similarly, to achieve the storm-water permit requirements established by the state and regional water boards, Berkeley and other jurisdictions will need to

¹ Geyer, R., Jambeck, J., Law, K.L. Production, use, and fate of all plastics ever made, *Science Advances* (2017), Vol. 3, no. 7, e1700782.

do more than capture and cleanup trash. In both cases, a prevention / source reduction approach is needed.

Local jurisdictions should prioritize food and beverage packaging reduction because packaging represents a quarter of the solid waste stream, as does plastic,² and because food and beverage packaging is 67% of the trash on Bay Area streets.³ This ordinance represents a comprehensive approach to tackling the disposable food packaging problem. It folds in the increasingly-popular straws and utensils on request policies being enacted at the local and national levels, with more forceful measures to evolve from a throw-away culture to one where reusable, durable products are used to deliver food and beverages.

We support reusables for on-site dining, as it makes a lot of sense. Too many restaurants nowadays are serving customers on-site with disposables, thanks to the fast food model, brought to us by fast food leaders like McDonalds. This throw-away culture doesn't fit in communities seeking to be climate-friendly and zero waste. We must push these industries to find a more sustainable way to provide fast food without a big pile of garbage generated with each meal. We know that McDonald's CAN do this. They are already providing reusables on site in *McCafes* all across Europe. If they can cater to European taste for croissants served on a real plate, they need to be pushed to serve Americans our burgers on real plates too.

We support charging customers for take-out in disposables, with a delay on charges for food containers, and city support for innovation. Charging for disposables to encourage the reusable alternative works, as evidenced by government-mandated bag charges in jurisdictions all across the globe. We've seen a 60-90% reduction in single bag use and plastic bag litter in these jurisdictions. It's not difficult for customers to Bring Your Own (BYO) reusable cup. For food containers, BYO isn't a great way to introduce reusables, since customers are unlikely to carry the containers with them and we understand that BYO containers can significantly slow down operations during a busy lunch or dinner rush. Therefore, we believe it is important to create a reusable container system that restaurants can provide to their customers and would support a delayed implementation period for the charge on disposable food containers. Furthermore, we urge the City to consider supporting the development of innovation in developing reusables systems that are convenient and lower cost than the container charge.

We support banning PFAS substances in disposable food packaging. There is ample packaging⁴ to provide moisture and grease-proof barriers, are among the most health and food environment-threatening, persistent, and indestructible chemicals currently in use. They migrate out of the package, into our food and beverages, leach into ground and surface water,

² Id.

³ <https://www.mercurynews.com/2011/06/19/survey-pinpoints-sources-of-trash-in-san-francisco-bay/>

⁴ Blum A, et al, 2015. [The Madrid statement on poly- and perfluoroalkyl substances \(PFASs\)](#). *Environ Health Perspect* 123:A107–A111; Schaidler LA, et al, Fluorinated compounds in U.S. fast food packaging. *Environ Sci Technol Lett*. 2017; 4(3): 105-111; Trier X, Granby K, Christensen Polyfluorinated surfactants (PFS) in paper and board coatings for food packaging. *Environ Sci Pollut Res*. 2011; 18: 1108-1120; Begley TH, Hsu W, Noonan G, Diachenko Migration of fluorochemical paper additives from food-contact paper into foods and food simulants. *Food Addit Contam Part A Chem Anal Control Expo Risk Assess*. 2008; 25(3): 384-390. .

contaminate compost, and can be up-taken by crops. Banning their use in food packaging is essential.

Thank you for the opportunity to provide input on this important measure.

Sincerely,

Miriam Gordon
Program Director
UPSTREAM

Judith Enck
Former EPA Regional Administrator

Leslie Mintz Tamminen
Oceans Director
Seventh Generation Advisors

Sue Chiang
Pollution Prevention Program Director
Center for Environmental Health

Ruth Abbe
President
Zero Waste USA

Shilpy Chhotray
Senior Communications Officer
Break Free From Plastic

Angela T. Howe, Esq.
Legal Director
Surfrider Foundation

Samantha Sommer
Waste Prevention Program Manager
Clean Water Action, California

Eva Holman
Rise Above Plastics Program Lead
Surfrider San Francisco Chapter

Anna Cummins
Founder and CEO
5 Gyres

Kelly McBee
Policy Analyst
Californians Against Waste

Stiv Wilson
Director of Campaigns
Story of Stuff

Michael Doshi
Youth Leadership Programs Manager
Algalita Marine Research & Education

Brenda Platt
Co-Director
Institute for Local Self Reliance

Dianna Cohen
Executive Director
Plastic Pollution Coalition
Incinerator Alternatives

Monica Wilson
Research and Policy Coordinator
Global Alliance for



Chrise De Tournay, Chair
Zero Waste Commission
City of Berkeley

September 20, 2018

Re: Strong Support for Disposable Foodware and Litter Reduction Ordinance

Dear Chair and Commissioners,

As you know, the Ecology Center is an originator of curbside recycling and the long-term operator of the City of Berkeley's Residential Curbside Recycling Collection Program. We have worked with the Commission, City Staff, and City Council members to address the growing problems associated with disposable food ware in our city and across our waterways, oceans, and planet.

We believe that the approach developed in collaboration with a broad and experienced group of experts in this arena and referred by Council for review to the Zero Waste Commission is the most comprehensive ordinance yet proposed by any city. As proposed we are convinced this ordinance would dramatically reduce single-use disposable foodware and the related impacts on our streets, storm drains, creeks, and shoreline. We also believe it can reduce ocean pollution both here and internationally. We see immediate benefits for improving our shopping districts, cutting costs to the Business Improvement Districts for street clean up and allowing them to focus on events, promotions, and other priorities. We also see immediate benefits to the City in reducing waste collection costs, storm water clean up, and of course to recycling and compost programs by lowering direct expenses and contamination.

Expert opinion and field experience shows that some of the key elements of this program, while individually challenging for some businesses, will be achievable and produce net savings and an increase in revenue for local businesses. We sincerely appreciate the thorough, open, and inclusive work of the Foodware Subcommittee and have benefited from participating in all meetings as well as numerous related calls, meetings, and other communications which have given us greater insights to the business impacts of the proposals.

We have the following recommendations to further improve on the proposed ordinance:

- 1) Make an exception for plastic straws that allows and encourages restaurants to provide them without condition, upon request, such that people who need them for medical or other reasons have full and easy access to them as needed;**
- 2) Include direction to health department staff to develop guidance for a contamination-free process for serving food in customer-owned foodware**
- 3) Include funding for free citywide technical support to businesses through a third party provider;**
- 4) Include funding to pilot a reusable takeout foodware program;**
- 5) Require all takeout foodware be compostable in accordance with the city's program;**
- 6) Phase in the container fee following the implementation of the cup fee to give more time for businesses and customers to adapt.**

Thank you for all your hard work and consideration of this proposal.
Sincerely,

A handwritten signature in black ink that reads "Martin Bourque". The signature is written in a cursive, flowing style.

Martin Bourque
Executive Director

M E M O R A N D U M

Date: 12 September 2018

To: The Zero Waste Commission

From: The Parks and Waterfront Commission

Subject: Responding to request for feedback on draft of the Single Use Foodware and Litter Reduction Ordinance

The Parks and Waterfront Commission would like to commend the Zero Waste Commission for its work in helping to develop a Single Use Foodware and Litter Reduction Ordinance (Attachment A). We support the Ordinance, which will reduce waste from single use food containers in Berkeley through the development of disposable foodware standards, fees of \$0.25 per cup or container for disposable items and mandatory educational signage at the point of sale. We are pleased that extensive outreach was done to craft the legislation (including surveying 59 local businesses) and that several local case studies have demonstrated the economic benefits and feasibility of the ordinance^{1,2}. We are also pleased that the Ordinance makes some accommodations, including fee exemptions for customers using WIC or SNAP and allowing biodegradable (paper) straws “on request”.

The Ordinance will help reduce waste in Berkeley’s parks and along the waterfront, which is badly needed. The 2017 Coastal Cleanup Day in Berkeley, Albany and Emeryville picked up 4,300 lbs of trash and recyclables, including 7,241 food wrappers, 2,217 foam packaging items, 2,505 straws and stirrers, 1,891 plastic bags and 1,577 plastic utensils.^{3,3a} This waste detracts from residents’ enjoyment of the coast and harms bay-loving species. The Ocean Conservancy says that single-use packaging is the biggest source of trash found in or near oceans and bays, that over 600 species are threatened from the ingestion of plastics, and that 90 percent of seabirds are eating plastics on a regular basis.⁴ There will be a transition period and some push-back to the Ordinance at first, but the need to significantly reduce single-use packaging is real. Berkeley can help lead the way to a healthier future for our planet and local waterfront.

Footnotes:

- (1) <http://reusablebagsac.org/news/successful-results-bag-ordinance>
- (2) <https://serc.berkeley.edu/paying-the-price-of-disposable-cups-at-caffe-strada/>
- (3) <https://www.cityofberkeley.info/shorelinecleanup/>. See also (3a) www.cleanwateraction.org/files/publications/ca/Curr_CA_12%2012%2011final.pdf; California Coastal Cleanup Results 1989- 2014 showing Food and Beverage packaging items are 7 out of the top 10 items collected and account for 34% of the total trash <https://www.coastal.ca.gov/publiced/ccd/history.html#top10>; BanList 2.0 shows food and beverage packaging items are 74% of top 20 littered items among 6 different beach cleanup datasets <https://upstreampolicy.org/ban-list-20>
- (4) <https://oceanconservancy.org/our-work/marine-debris/2015-data-release/2015-data-release-pdf.pdf>

At a regular meeting of the Parks and Waterfront Commission on Wednesday, September 12, 2018, the commission took action to send this communication and appendix to the Zero Waste Commission (M/S/C: Fogel/Lee): Ayes: McKay, Brostrom, McGrath, Fogel, Lee, Kamen, Kawczynska, Diehm; Noes: None; Abstain: None; Absent: None).

To Whom it May Concern:

Waste is an out of sight, out of mind problem. The average person doesn't think about how much waste they're throwing away, but there is no "away". All of the non-recyclable and non-compostable take-out containers from food establishments we've ever had is still on Earth. All the single-use plastic that we used for 30 minutes has hurt wildlife, contributed to air and water pollution, and increased greenhouse gases. We cannot afford to not think about it any longer.

Strong action is necessary and this Ordinance is a great step in the right direction. In ten years, it will be common sense that all take-out containers are recyclable or compostable and that "for here" items are reusable, just as it is common sense now to have curbside recycling. Berkeley has been a leader in waste by being the first municipality to ban single-use polystyrene. We should continue to lead by passing this Ordinance. This can be the groundbreaking policy that represents Berkeley's progressive and forward-thinking ideals.

For the reasons above, CALPIRG UC Berkeley Chapter has voted to endorse the Single Use Foodware and Litter Reduction Ordinance. Our waste problem is mounting, and we have the power, and duty, to do something about it.

Sincerely,

A handwritten signature in black ink that reads "Nicole Haynes". The signature is written in a cursive, flowing style.

Nicole Haynes
Zero Waste Co-Campaign Coordinator
CALPIRG UC Berkeley Chapter

October 3, 2018

Honorable Mayor and City Council members:

I would like to propose these additional changes to the draft ordinance:

1. If businesses are given exemptions from the requirement to provide reusable foodware for in-house dining, they should have to comply with the section of the ordinance that requires them to charge customers for the single use foodware – beverage and meal containers - for in-house dining. As the ordinance is currently drafted they only have to comply with the compostable/recyclable foodware section and I think the requirement to provide straws and other items upon request only. My suggestion is that these exempted businesses should still have to comply with the other aspects of the ordinance.

2. But if my recommendation in #1 is incorporated into the draft ordinance, the council should also consider the fiscal implications of the proposed change in #1 - the taxable sales implication if they cannot use all of the increased revenue from the collected charges (this increased revenue could be significant for a business that only sells food in single use to-go foodware packaging and does not offer in-house dining or has no way of washing any foodware for in-house dining) for implementing the requirements of the ordinance such as education of customers on composting, increased cost of providing compliant compostable to-go containers, signage etc. Perhaps these exempt businesses could be required to use some of those increased charge-related income to fund a city-wide pilot or a reusable foodware system on their own – their choice – which could be considered a form of EPR – extended producer responsibility or in this case Extended Retailer Responsibility - ERR. Perhaps non-exempt businesses could also be required to do this as well as part of their required uses of the increased income from the collected foodware charges. I've added an item (d) in #3 below for this reason.

3. The following language should be considered for inclusion to ensure that the charges collected by the businesses are not considered taxable by the state board of equalization:

“All moneys collected pursuant to this article shall be retained by the store and may be used only for the following purposes:

(a) Costs associated with complying with the requirements of this article.

(b) Actual costs of labor, equipment and materials for washing foodware and providing customers with washable foodware; costs of providing customers with compliant compostable single-use foodware; costs for reducing litter; and other costs associated with reducing the use of single-use foodware and litter.

(c) Costs associated with a store’s educational materials or educational campaign for reducing and/or encouraging the reduction of single-use foodware and litter.

(d) Costs associated with supplying customers with reusable to-go foodware that can be returned to the business for washing or as part of a city-wide system of reusable to-go foodware.

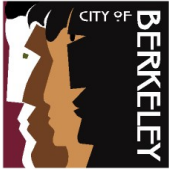
Sincerely,
Peter Schultze-Allen

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Berkeley City Council
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

ACTION CALENDAR

April 24, 2018

To: Honorable Mayor and Members of the City Council

From: Councilmember Sophie Hahn and Mayor Jesse Arreguin, and
Councilmembers Linda Maio and Susan Wengraf

Subject: Referral to the Zero Waste Commission:
Berkeley Single Use Foodware and Litter Reduction Ordinance

RECOMMENDATION

1. Refer the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance to the Zero Waste Commission to invite input from key stakeholders, including restaurants and other food retailers and zero waste, plastics, oceans and other environmental experts, and hold public meetings to obtain input on the proposed Ordinance.
2. Refer to the Zero Waste Commission to report back to the City Council results of the Commission's community outreach and analysis, and provide recommendations for improvements to the proposed Berkeley Single Use Foodware and Litter Reduction Ordinance.

FINANCIAL IMPLICATIONS

The only added cost of the referral, beyond normal staff time to support the Zero Waste Commission's review of the proposed ordinance, is potential staffing of one or more community meetings to obtain stakeholder and other public input.

Reducing use and disposal of products that make up the majority of Berkeley's street and storm-drain litter has the potential to significantly lower City expenses including costs related to collection of debris from over 400 city trash receptacles, from clearing of clogged stormwater intakes city-wide, and from daily street sweeping and litter management.

BACKGROUND

Single use disposable foodware and packaging (SUDs) - including plastic bottles, caps, lids, straws, cups, and containers - is a major contributor to street litter, ocean pollution, marine and other wildlife harm and greenhouse gas emissions. The use of disposable foodware has grown exponentially over the past few decades. The practice of providing

food and beverage packaging free of charge fails to incorporate the environmental and social costs of these products into the price of food and beverage service. As a result, customers and food business operators pay little attention to the quantity of single use packaging products consumed and quickly thrown away. Reducing the use of SUDs in the City of Berkeley is a key strategy to achieve the City's Zero Waste and Climate Action goals, and to address the many environmental impacts and costs associated with the use and disposal of single-use foodware and packaging.

Environmental Impacts of Single-Use Disposables

The production, consumption, and disposal of SUDs contributes significantly to the depletion of natural resources. It is a major component of litter on streets and in waterways, and of the plastic polluting our air, food, drinking water and oceans.

- Food and beverage SUDs make up approximately 25% of all waste produced in California¹
- Bay Area litter studies have found that food and beverage packaging comprises the majority of street litter, half of which comes from fast food and take-out food establishments²
- Eighty percent of marine plastic pollution originates from trash in urban runoff³
- In the year 2000, half of all plastic packaging in the UK was comprised of SUDs⁴
- Nearly 700 species of marine wildlife are impacted by ingestion and entanglement of plastics, causing starvation, disease, and death⁵
- Without dramatic systems change, by 2050, there will be more plastic in the ocean than fish⁶
- Based on Berkeley's population of approximately 120,000 people, it is estimated that almost 40 million single use cups are used in the City of Berkeley every year
- Paper cups alone generate 2.2 billion pounds of waste per year nationwide, consuming over 11 million trees, resulting in 4 billion pounds of carbon dioxide emissions, and requiring the consumption of 35 billion gallons of water to manufacture⁷

¹ <https://www.wastedive.com/news/are-the-packaging-wars-coming-to-california/508491/>

² See Clean Water Action's "Taking out the Trash" Bay Area Litter study (2011) http://www.cleanwateraction.org/files/publications/ca/Curr_CA_12%2012%2011final.pdf ; California Coastal Cleanup Results 1989-2014 showing Food and Beverage packaging items are 7 out of the top 10 items collected and account for 34% of the total trash - <https://www.coastal.ca.gov/publiced/ccd/history.html#top10> ; BanList 2.0 shows food and beverage packaging items are 74% of top 20 littered items among 6 different beach cleanup datasets- <https://upstreampolicy.org/ban-list-20>

³ 80% from land based sources: U.S. Department of Commerce, NOAA, Office of Public and Constituent Affairs, (1999) "Turning to the Sea: America's Ocean Future," p.5. Re: most of land-based ocean litter comes from trash in urban runoff: *Trash TMDLs for the Los Angeles River Watershed*, (September 19, 2001):17.

⁴ Hopewell, et Al. Royal Society Biological *Sciences Philos Trans R Soc Lond B Biol Sci*. 2009 Jul 27; 364(1526): 2115–2126.

⁵ Gall & Thompson, The Impact of Marine Debris on Marine Life, *Marine Poll Bull*, 2015 Mar 15:93(1-2);170-179

⁶ Ellen MacArthur Foundation (2016)

⁷ Clean Water Action Disposable vs. Reusable Cups Fact Sheet

Most SUDs are used for just a few minutes before becoming waste, while the plastics many are made of last for hundreds and even thousands of years, and have broad, long-lasting negative impacts. Plastics in waterways and oceans break down into smaller pieces (but do not biodegrade) and are present in most of the world's oceans, at all levels (surface, water column, and bottom).⁸ Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater⁹, which can transfer to fish, other seafood, and salt that is eventually sold for human consumption.¹⁰ Certain SUDs, including food contact papers and compostable paperboard containers, can also contain harmful fluorinated chemicals that are linked to serious health effects including kidney and testicular cancer, thyroid disruption, delayed puberty and obesity.¹¹

Berkeley as a Zero Waste Leader

The City of Berkeley has a long history of leadership in sustainability and environmental protections including the adoption of an ambitious Climate Action Plan in 2009, with a goal of achieving Zero Waste by 2020; the nation's first curbside recycling program and styrofoam foodware ban; and one of the first commercial organics collection programs. 75% of the City's discarded material is diverted from landfill, and there has been a 50% reduction in solid waste disposal between 2000 to 2013¹². Despite these achievements, Berkeley has not addressed the significant increase in takeout food packaging littering city streets, filling storm drains, requiring management in the waste stream, polluting our waterways, Bay and ocean, and threatening both human and animal health.

In addition, SUDs are particularly costly and challenging to divert from landfill. Non-recyclable food and beverage packaging is costly to remove from the waste stream and reduces the quality and value of recyclables, while non-compostable food packaging (some of which is advertised as "compostable") contaminates compost, adding costs and reducing the quality of compost¹³. With China's recent rejection of mixed recycled plastic imports, the value of recyclable plastics has dropped sharply and the final destination for these plastic SUDs is uncertain. This adds significant costs to the City's collection, sorting, and processing of compostables and recyclables. To reach its Zero

⁸ D. Barnes et al, 2009, *Accumulation and fragmentation of plastic debris in global environments*, Phil. Trans. R. Soc. B., 364-1985-98.

⁹ Rochman, C.M., et al., 2013, Long-Term Field Measurement of Sorption of Organic Contaminants to Five Types of Plastic Pellets: Implications for Plastic Marine Debris. *Environmental Science and Technology*. 47, 1646-1654.

¹⁰ Rochman C Met al, 2015a Anthropogenic debris in seafood: plastic debris and fibers from textiles in fish and bivalves sold for human consumption *Sci. Rep.* 5 14340.

¹¹ In 2015, the FDA barred from use three such fluorinated chemicals from food contact materials due to safety risks associated with cancer, toxicity, and other health effects; other fluorinated chemicals have similar chemical structures and pose similar risk.

¹² Berkeley Climate Action Plan: Tracking our Progress Waste Reduction & Recycling – Total Landfilled, https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/PDF%20total%20landfilled%20final.pdf

¹³ Clean Water Action, *What's in the Package?* 2016 <https://www.cleanwateraction.org/features/what%E2%80%99s-package>

Waste goals, the City must reduce use of unnecessary single-use food and beverage packaging.

Strategies to Regulate SUDs

Alameda County implemented its reusable bag ordinance in January 2013, and has seen dramatic results. Countywide, bag purchases by affected retail stores have declined by 85 percent. The number of shoppers bringing a reusable bag to affected stores, or not using a bag at all, has more than doubled during this time¹⁴. Globally, a number of strategies have been implemented to reduce the use of SUDs. Charges for single-use plastic bags have proven to decrease plastic bag consumption. When Ireland instituted a “Plas-Tax” in 2002 equivalent to about 20 cents per bag, plastic bag use declined by 90% and litter from plastic bags declined by 40%¹⁵. Similar charges have been implemented in Taiwan, Washington D.C., and the United Kingdom, resulting in decreases in plastic bag use of up to 80%. A 2016 plastic bag ban in California reduced the number of plastic bags found on beaches by half.¹⁶ Studies have also shown that customers in areas with taxes on single use bags were more likely to use reusable bags.¹⁷

There appears to be growing support for reducing the use of other single use disposables. Ireland is considering banning single use coffee cups, with 50% of the population surveyed in support.¹⁸ The European Union announced in 2018 that it is implementing a policy for all plastic packaging to be recyclable or reusable by 2030.¹⁹ Taiwan will be imposing charges for straws, plastic shopping bags, disposable utensils, and beverage cups by 2025, and will impose a complete ban on single-use plastic items, including straws, cups, and shopping bags, by 2030.²⁰

Economic Advantages for Businesses

Businesses in the Bay Area spend between \$0.25 and \$0.85 per meal on disposable foodware.²¹ Reducing the use of SUDs can provide significant cost savings, even

¹⁴ “Successful Results from Bag Ordinance”, 2014, Alameda County Waste Management authority, <http://reusablebagsac.org/news/successful-results-bag-ordinance>

¹⁵ Mauro Anastasio and James Nix, Plastic Bag Levy in Ireland, Institute European Environmental Policy, 2016. <https://ieep.eu/uploads/articles/attachments/7f91cb97-8cb7-49c39cf0d34062a9192e/IE%20Plastic%20Bag%20Levy%20conference%20draft.pdf?v=63673818840>

¹⁶ <http://www.latimes.com/opinion/editorials/la-ed-plastic-bag-ban-anniversary-20171118-story.html>

¹⁷ T. A. Homonoff, *Can Small Incentives Have Large Effects? The Impact of Taxes versus Bonuses on Disposable Bag Use* National Tax Association Proceedings, Princeton University- <http://intanet.org/wp-content/uploads/proceedings/2012/008-homonoff-can-small-incentives-2012-nta-proceedings.pdf>

¹⁸ <http://www.thejournal.ie/coffee-cups-poll-3642333-Oct2017/>

¹⁹ European Commission, EU Plastics Strategy-http://ec.europa.eu/environment/waste/plastic_waste.htm

²⁰ “Taiwan to ban disposable plastic items by 2030,” February 22, 2108- <https://phys.org/news/2018-02-taiwan-disposable-plastic-items.html>

²¹ Id.

considering the costs associated with making the transition to reusables. The *Rethink Disposable* program of the Clean Water Fund, in partnership with STOP WASTE in Alameda County, has conducted a number of case studies showcasing businesses that have voluntarily minimized SUDs and incorporated reusables²². These businesses saw annual net cost savings (after accounting for costs of reusables, dishwashing, etc.) from \$1,000 - \$22,000 per year.²³

In addition, recent surveys completed by the City of Berkeley's Office of Economic Development found that neighborhood cleanliness, including trash collection, was a major concern of business owners interviewed. Business Improvement Districts (BIDs) and the Clean Cities Program work to keep Berkeley's business districts clean, but at great expense. The Telegraph Business Improvement District (TBID), for example, reported collecting over 22 tons of street litter in one year.

Reducing SUDs in the City of Berkeley

Through the leadership of Berkeley's Ecology Center, working closely with UpStream, Clean Water Action, the Clean Water Fund, Story of Stuff, Surfrider Foundation, GAIA (Global Alliance for Incinerator Alternatives), the Green Science Policy Institute, Excellent Packaging, and numerous active residents and volunteers, a proposed Berkeley Single Use Foodware and Litter Reduction Ordinance has been drafted. This visionary Ordinance combines proven strategies for reducing SUDs including promotion of reusable foodware, fees when SUDs are used, and creation of a list of approved, truly compostable or recyclable SUDs for use City-wide.

The Ecology Center and Clean Water Action also undertook an extensive research and public outreach process, including surveys of local food businesses, discussions with business owners and environmental experts, and assessment of a charge-based cup reduction pilot project completed by Telegraph Green and Cafe Strada²⁴. This level of research, outreach and field testing represents study and consultation of an intensity and duration rarely undertaken in conjunction with new proposals in Berkeley, and has resulted in a proposed ordinance incorporating extensive expert, community and real-world data.

The survey, conducted in 2017-2018 by Clean Water Action, the Ecology Center, and other partners, covers 59 Berkeley food businesses (about 10% of affected food businesses) of various sizes and service styles, and includes respondents from all of

²² <https://cleanwater.org/publications/participating-business-testimonials>

²³ Data provided by Clean Water Action's *ReThink Disposable* program, March 2018. See attached fact sheet.

²⁴ <https://serc.berkeley.edu/paying-the-price-of-disposable-cups-at-caffe-strada/>

the City's commercial districts. Of these businesses, 58% would support a customer charge for cups, and 67% would support a charge for disposable food containers.

These and other findings inform the proposed ordinance, which was written to be both aspirational and achievable. More complex proposals and bans were rejected in favor of a simplified set of recommendations that offer cost savings for restaurants and small businesses, a stream of revenue for the City to implement and enforce the ordinance, and a major step forward in reducing pollution and litter, and in meeting the City's Zero Waste and Climate Action Goals.

Proposed Ordinance Elements

The purpose of the proposed Ordinance is to reduce litter and waste associated with single use food and beverage packaging in the City of Berkeley. The proposal requires that food consumed on-site be served in reusable, durable dishes, cups, and utensils. Foil, wrappers, and tray liners are still allowed, and provision is made for waivers under specific circumstances.

The ordinance also provides that food businesses charge customers for take-out cups, clamshells and other take-out foodware, similar to the charge for paper bags associated with California's plastic bag ban (SB 270). Charges for disposables will encourage customers to bring their own reusable cups and containers. \$0.25 will be charged for disposable cups, and \$0.25 for food containers. Food establishments will keep the proceeds from these charges, and the City will collect an "at cost" fee for administration of the program. As with charges for bags, customers using SNAP & WIC will be excluded from paying these fees. The ordinance also provides that single use straws, utensils, and stirrers (which will have to be compostable) be provided only "by request".

Finally, the policy will require that all disposable foodware be free of certain highly toxic chemicals known to migrate into food and beverages, and be recyclable or compostable in the City's waste management programs.

The City will be responsible for creating and updating an accessible list of approved foodware so that food retailers can easily identify products that conform to requirements. This will protect public health and the environment from some of the most toxic and persistent chemicals used in food and beverage packaging, and ensure that "compostables" furnished in Berkeley are actually compostable within the City's program. The City will be responsible for administration and enforcement.

ENVIRONMENTAL SUSTAINABILITY

The production, consumption and disposal of single use food and beverage packaging is a major contributor to litter in our streets, plastic in landfills, pollution in waterways and oceans, GHG emissions, and harm to wildlife. This environmental ordinance represent a huge step forward in reducing the use of disposable foodware in Berkeley, fulfilling Berkeley's Zero Waste and Climate Action Goals, reducing greenhouse gas emissions 80% by 2050, and meeting State trash load level mandates.

CONTACT

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Mayor Jesse Arreguin | (510) 981-7100 | mayor@cityofberkeley.info

ATTACHMENTS

1. Draft Berkeley Single Use Foodware and Litter Reduction Ordinance
2. CaseStudy: Caravaggio Gelateria Italiana
3. Clean Water Action Disposable vs Reusable Cups Fact Sheet

Single Use Foodware and Litter Reduction Ordinance

ORDINANCE AMENDING THE XXXX CITY CODE BY ADOPTING CHAPTER XXXX SECTIONS XXXX TO REDUCE SINGLE USE DISPOSABLE FOODWARE

Findings and Purpose

The council finds and declares as follows:

[]

Section 1. Definitions

- A. **"Prepared Food"** means foods or beverages which are prepared on the vendor's premises by cooking, chopping, slicing, mixing, freezing, squeezing, or other processing and which require no further preparation to be consumed. "Prepared Food" does not include raw uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed or raw uncooked meat products.
- B. **"Takeout Food"** means Prepared Food requiring no further preparation which is purchased to be consumed off a Prepared Food Vendor's premises. Takeout Food includes Prepared Food delivered by a Prepared Food Vendor or by a third party delivery service.
- C. **"Takeout Meal"** means Takeout Food consisting of an entree, or a full size salad, or a breakfast, lunch or dinner item (such as a sandwich, burrito, pizza, soup) served in up to three Disposable Food Containers.
- D. **"Prepared Food Vendor"** means any establishment located within the City of Berkeley, including a Bakery, Cafeteria, Drive In, Food Products Store, Food Service Establishment (Carry Out, Quick Service, Full Service), Drugstore or Theater, as defined in BMC 23F.04, Mobile Food Facility, Temporary Food Facility (CA Health and Safety Code Sections 113831 and 113920), bar and other similar establishment, selling Prepared Food to be consumed on and/or off its premises.
- E. **"Disposable Foodware"** means all bags, sacks, wrappers, paper or foil liners, containers, bowls, plates, trays, cartons, boxes, pizza boxes, cups, utensils, straws, lids and any other food contact items used to hold, serve, eat, or drink Prepared Food, which are designed for single use and in which Prepared Food is placed or packaged on a Prepared Food Vendor's premises.
- F. **"Disposable Food Container"** is a container designed for single use that holds 16 oz. or more (for containers with lids) or is 62 cubic inches or larger (for boxes and clamshells).
- G. **"Disposable Cup"** is a beverage cup designed for single use to serve beverages, such as water, cold drinks, hot drinks, alcoholic beverages and other drinks.

- H. **“Reusable Foodware”** shall mean all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, and utensils, that is manufactured of durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.
- I. **“Plastic”** means a synthetic material made from fossil fuel based polymers such as polyethylene, polystyrene, polypropylene, and polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly elastic form.
- J. **“Fluorinated Chemicals”** means perfluoroalkyl and polyfluoroalkyl substances or fluorinated chemicals, which for the purposes of food packaging are a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Section 2. Reusable Foodware for Dining on the Premises (i.e. “Eating-in”)

This section applies to Prepared Food served for consumption on the premises of a Prepared Food Vendor.

- A. As of [Effective Date], Prepared Food Vendors shall only sell or provide food and beverages for consumption on the premises using Reusable Foodware, except as provided in Section 2(C).
- B. Prepared Food Vendors offering Takeout Food shall ask customers whether they will consume their purchased food or beverage on the premises (i.e. “for here”) or off the premises (i.e. “to go”). If the purchased food or beverage is intended for consumption on the premises, the Prepared Food Vendor shall serve such food or beverage in Reusable Foodware.
- C. Prepared Food Vendors that do not have on-site or off-site dishwashing capacity to wash, rinse and sanitize Reusable Foodware in compliance with the California Health Code may request a full or partial waiver from the requirements of Section 2(A) if they can demonstrate inability to comply due to space constraints and financial hardship, such as investments and costs that take more than a year to be paid for through savings. Waivers may be granted for up to three years, during which time the Prepared Food Vendor shall make every effort to become complaint. If a waiver is granted, all Disposable Foodware used for eating on the premises must conform to the Disposable Food Packaging Standards in Section 3.
- D. As of [Date - 1 year after Effective Date?], new zoning permits and business licenses for Prepared Food Vendors shall only be granted to Prepared Food Vendors that have adequate onsite or offsite dishwashing capacity to comply with section 2(A).

- E. Disposable food wrappers, foil sheets, napkins and paper or foil basket and tray liners shall be allowed for dining on the premises so long as they meet the Disposable Food Packaging Standards in Section 3.

Section 3. Disposable Foodware Standards

This section provides standards for the types of Disposable Foodware that may be used for Takeout Food, or for Prepared Food eaten on the premises of a Prepared Food Vendor with a valid waiver, as provided for in Section 2(C).

- A. The City shall maintain a list of approved Disposable Foodware sources and types that shall be available at [physical location] and on the City's website. The City shall update annually the list of approved Disposable Foodware types and sources. No other Disposable Foodware may be used by any Prepared Food Vendor.
- B. Disposable Foodware approved by the City shall meet the following standards:
 - a. Beginning [Date], all Disposable Foodware used to serve or package Prepared Foods that are prepared in the City of Berkeley:
 - i. Must be accepted by City of Berkeley composting or recycling municipal collection programs, and
 - ii. If compostable, must be certified compostable by the Biodegradable Product Institute or another independent third party certifying organization or agency recognized by the City.
 - b. Beginning [Date - one year from Effective Date], compostable Disposable Foodware containing paper or other natural fiber material shall be free of all intentionally added Fluorinated Chemicals as certified by the Biodegradable Product Institute or other third party certifying organization or agency recognized by the City.
 - c. The City may adopt regulations that require Disposable Foodware to have minimum post-consumer recycled content, and any other Disposable Foodware specifications that support the goals of this Ordinance.

Section 4. Disposable Foodware Charges

Customers shall be charged for Disposable Foodware used for dining off the premises.

- A. Beginning [Effective Date] , Prepared Food Vendors selling Takeout Food shall charge a customer twenty five cents (\$0.25) for every Disposable Cup provided.
- B. Beginning [Effective Date], Prepared Food Vendors selling Takeout Food shall charge a customer twenty five cents (\$0.25) per Disposable Food Container and no more than twenty-five-cents (\$0.25) per Takeout Meal.
- C. Income from charges for Disposable Cups and Disposable Food Containers shall be retained by the Prepared Food Vendor.
- D. The charges set forth in A and B apply to all Takeout Food and Takeout Meals prepared and sold in the City of Berkeley and served in Disposable Food Containers and Disposable Cups, except for Prepared Food Vendors providing Disposable Food

Containers and Disposable Cups for carry-out of leftovers from Prepared Food eaten on the premises (i.e. “doggie bags”).

- E. All customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code, or an electronic benefit transfer card issued pursuant to Section 10072 of the California Welfare and Institutions Code, shall be exempt from the charges specified in this Section.
- F. Charges for Disposable Cups, Disposable Food Containers and Takeout Meals shall be identified separately on any receipt provided to the customer.
- G. Disposable straws, stirrers, cup spill plugs, napkins, condiment packets, utensils and other similar Disposable Foodware accompanying Disposable Cups, Disposable Food Containers and Takeout Meals shall be provided free of charge, and only upon request by the customer or at self-serve stations.

Section 5. Signage Requirements for Takeout Food Vendors

- A. The City shall provide text explaining Disposable Foodware Charges and specifications for signage that Takeout Food Vendors must post in plain view of customers at the point of sale.
- B. Takeout Food Vendors shall also include Disposable Foodware Charges on their printed and electronically available menus.
- C. Takeout Food Vendors shall inform customers of Disposable Foodware Charges for orders taken by telephone.
- D. Third-party delivery services shall include on their electronic platforms text pursuant to subsection A explaining Disposable Foodware Charges and include Disposable Foodware Charges on their menus and billing interfaces.

Section 6. Duties, Responsibilities and Authority of the City of Berkeley

- A. The City Manager is hereby charged with the enforcement of this Chapter, except as otherwise provided herein, and shall prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter.
- B. The Master Fee Schedule shall be amended to include a fee to cover City expenses of inspection and enforcement of this ordinance.
- C. It shall be the duty of the City Manager to collect and receive all fees imposed by this Section, and to keep an accurate record thereof.
- D. Within three years of the effective date of this Ordinance, the City shall evaluate and report to City Council on the effectiveness of this ordinance.

CASE STUDY: Caravaggio Gelateria Italiana

**ReThink
Disposable**
STOP WASTE BEFORE IT STARTS

BUSINESS PROFILE

Name: Caravaggio Gelateria Italiana

Business Type: Gelato Shop

Location: Berkeley, CA

On-site dining: 22 seats

Take-out: Yes

Ware washing: Dishwasher purchased during implementation

Employees: 4

Caravaggio Gelateria is an authentic Italian Gelateria located in North Berkeley that makes all of their Gelatos in house and also serves Italian Panini sandwiches, coffee and espresso. About 50% of their orders are dine-in. They employ four staff and do anywhere between 100 and 200 transactions per day.



Four efficient napkin dispensers replaced the old dispensers.

up cost to implement the program \$2,411. The high up-front cost of the dishwasher made the payback period for each item longer, yet there is still a significant annual cost savings of \$2,301 after the payback period was met to cover and exceed the set-up costs in the future.

Packaging Practices prior to Rethink Disposable:

- ➔ All gelato and beverages served in disposable packaging
- ➔ Disposable tasting spoons used for samples
- ➔ Individually wrapped sugar packets used for coffee service

Emiliano, the owner of Caravaggio, is from Italy and strove to replicate many practices in his shop that one can find in his home country — everything except for the disposable products he was using, like the 91,250 disposable spoons used every year for tastings and the 24,333 individually wrapped sugar packets to cater to the “to-go” coffee service culture. The owner believes that the taste of the handmade gelato is much improved by eating it with a real spoon from a real glass bowl.



Recommendations Implemented:

- ➔ Reusable water cups, gelato bowls and spoons for on-site dining
- ➔ Reusable spoons utilized for gelato tastings
- ➔ Napkin dispensers and bulk sugar for coffee service
- ➔ Purchased and installed a dishwasher to save water and reduce labor costs

Implementing **ReThink Disposable** recommendations helped significantly reduce waste and achieved Emiliano’s goal to elevate the experience of eating handmade gelato and the ambiance in the shop. Emiliano purchased an efficient ware washing machine that provided energy and water savings, reduced labor time, and created a sanitary work environment. The new dishwasher and set-up cost \$2,100, which made the full set-



Reusable spoons for tastings and on-site dining replaced 75% of disposable spoons that were used.

Emiliano Cecchetti, owner: “Eating our gelato from a paper cup is like drinking champagne from a paper cup! The idea to change to reusables started with a *ReThink Disposable* visit.”

Results:

Recommendation	Product Replaced or Minimized	% Disposable Reduction	Payback Period (including dishwasher)	Payback Period (excluding dishwasher)	Annual Savings (after payback period)	Annual Waste Reduction
Implement a reusable gelato cup for dine-in customers	6 oz Gelato paper cup	67%	7.6 months	3 months	\$608	73 lbs.
Implement a reusable spoon for tasting and for dine-in customers	Plastic tasting spoons	75%	4.1 months	21 days	\$821	137 lbs.
Implement an efficient napkin dispenser	Napkins	50%	2.7 months		\$183	146 lbs.
Implement a bulk sugar dispenser	Sugar packets	75%	12 days		\$365	218 lbs.
Replace disposable water cups with a reusable glass	7 oz Water cups	100%	9.2 months	18 days	\$324	91 lbs.
TOTAL					\$2,301	665 lbs.

THE BOTTOM LINE

- 151,577 disposable items reduced per year
- \$2,301 annual savings after payback period
- 655 pounds of annual waste reduction
- Improved presentation
- Increased customer satisfaction
- No additional labor required



Disposable spoons and paper cups were replaced by metal spoons and glass bowls for on-site dining.

ReThink Disposable is a [Clean Water Fund](#) program conducted in partnership with local businesses and government agencies. Generous support for the program is provided by a changing list of public and private funders. To learn more about the program, its partners, and funders, visit: www.rethinkdisposable.org.



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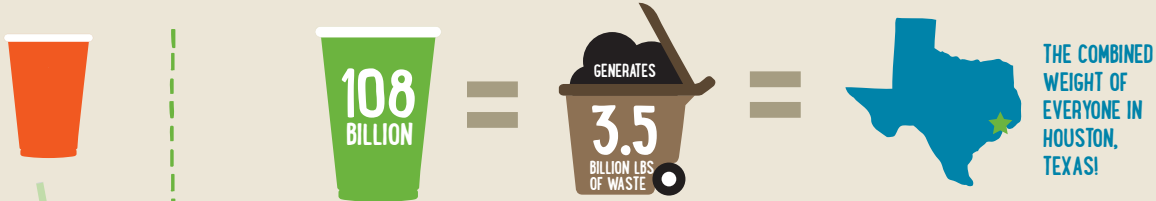


 CLEAN WATER ACTION

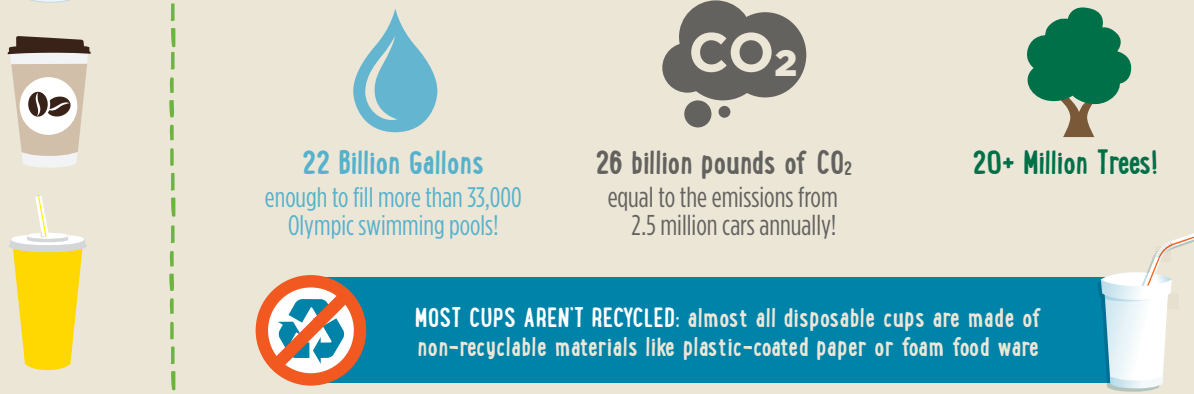
108,000,000,000
disposable cups are used by Americans each year



Placed end to end these could circle the equator almost 300 times!

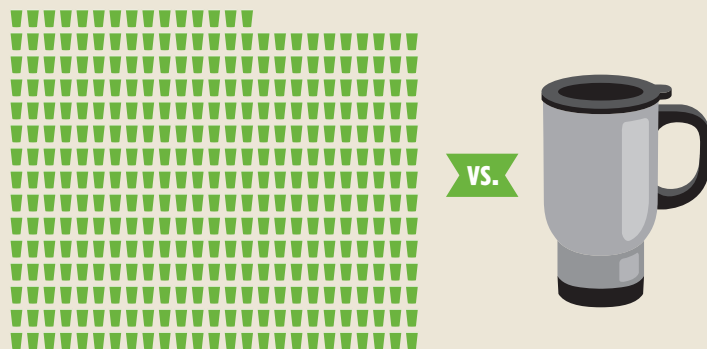


Annually the American disposable cup habit uses:

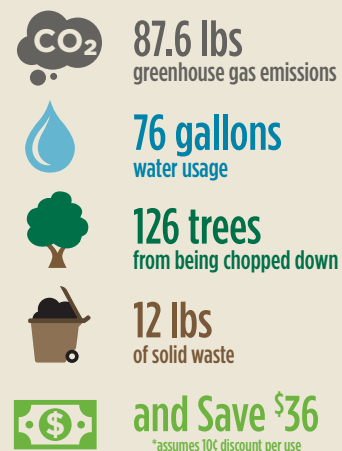


LET'S COMPARE

What happens if you replace one disposable cup a day with a reusable mug for one year?



By replacing one disposable cup every day for one year you prevent:



ReThink Disposable is a project of Clean Water Action and Clean Water Fund in coordination with City of Cupertino Department of Public Works, City of Oakland Department of Public Works, City of Sunnyvale Environmental Services Department, County of San Mateo Department of Public Works, San Francisco Department of the Environment, San Jose Department of Environmental Services, South San Francisco Department of Public Works, and StopWaste. Support for ReThink Disposable has been provided by the Altamont Education Advisory Board, Klean Kanteen, the Lisa and Douglas Goldman Fund, the Santa Clara Valley Water District, STOP WASTE, and the U.S. Environmental Protection Agency.

http://www.internationalpaper.com/documents/EN/Foodservice/ecotainer_FAQ_Brochu.pdf
<http://www.epa.gov/region9/psa/psa-usecups.html> <http://www.thebetacup.com/about/>



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