



# City of Sebastopol

## ANNOUNCEMENT



The City of Sebastopol is enacting a new Ordinance, effective *November 25, 2019* written to:

- **prohibit use and sale of disposable food serviceware and other products containing polystyrene foam**
- **require food providers to use compostable or recyclable disposable food service ware when such products are commercially available**

For questions please call the City of Sebastopol Engineering Department, (707) 823-2151.

A copy of the full ordinance is posted on the City website: <https://sebastopol.municipal.codes/SMC/8.36.020>

### **Background:**

The City has a duty to protect the natural environment, our economy, and the health of its citizens. On May 21, 2019, the City passed a Zero Waste Resolution committing to reducing the total pounds of garbage sent to landfill per person per day, currently at 4.6 pounds, by 10% each year. To help achieve this goal, the City is enacting the polystyrene and disposable food service ware ordinance. Polystyrene products and non-recyclable, non-compostable disposable food serviceware constitute a significant and avoidable source of garbage generated in Sebastopol; furthermore,

- Products made from expanded polystyrene foam are not biodegradable, returnable or recyclable.
- There is a prevalence of polystyrene foam debris littering our parks and public places, streets and roads, waterways, storm drains and beaches. When polystyrene debris enters waterways, riparian and marine animals confuse polystyrene foam pieces for food; ingesting polystyrene can lead to death for these animals.
- Eliminating the use of polystyrene foam and other non-compostable and non-recyclable items will maximize the operating life of our landfills and will lessen the economic and environmental costs of waste management for businesses and citizens of Sonoma County.

### **Provisions of the Ordinance:**

#### **Polystyrene Foam**

1. *All food providers* shall not sell, hand out, give away, distribute or otherwise make available for public or customer use prepared food in disposable food service ware that contains polystyrene foam.
2. *No retail vendor or special event promoter* shall sell, rent or otherwise provide any disposable food service ware which is composed in whole or in part of polystyrene foam (except as exempted). In addition, no retail vendor shall sell, rent or otherwise provide the following:
  - A. coolers, ice chests, or similar containers, unless they are wholly encapsulated or encased within a more durable material so as to be reusable
  - B. pool or beach toys, not including personal floatation devices such as life jackets
  - C. packing peanuts or other packaging materials. (Exception: packaging/ mailing stores may reuse polystyrene packing peanuts donated by residents)
3. *City facilities*, and any person renting a city facility, shall not provide prepared food in disposable food service ware that contains polystyrene foam.
4. *City departments* may not purchase, acquire or use disposable food service ware that contains polystyrene foam.
5. *City contractors* and lessees may not use disposable food service ware that contains polystyrene foam.

#### **Required compostable or recyclable disposable food service ware**

1. *All food providers* utilizing any disposable food service ware shall use, when such products are commercially available, a compostable product that is accepted at local compost facilities or recyclable product
2. *All food providers* shall only provide lids, cutlery, to-go condiment packages, and paper straws upon request of customers

3. *All food providers* are encouraged to provide up to \$0.25 credit for customers bringing their own reusable containers for to-go items
4. *All food providers* are encouraged to charge a ‘take out fee’ of up to \$0.10 for any combination of disposable cups, lids, straws, and/or utensils. This fee is intended to offset the potential cost difference of compostable or recyclable food service ware
5. *All City facilities* and departments using any disposable food service ware shall use compostable or recyclable disposable food service ware
6. *City contractors and lessees* using any disposable food service ware shall use compostable or recyclable disposable food service ware in City facilities while performing under a City contract or lease

Allowed	Not Allowed
<p><b><u>Compostable Items:</u></b></p> <ul style="list-style-type: none"> <li>• Uncoated natural plant fiber &amp; paper products (straws, bowls, deli boats, etc.) including bagasse products (sugar cane fiber)</li> <li>• 100% wood or bamboo products (utensils, chopsticks, stirring sticks, etc.)</li> </ul>  <p><b><u>Recyclable Items:</u></b></p> <ul style="list-style-type: none"> <li>• Plastic containers accepted in recycling</li> <li>• Glass containers</li> <li>• Aluminum containers</li> </ul>  <p><b><u>Paper “hot cups” and paper soup containers</u></b></p> <ul style="list-style-type: none"> <li>• Coated paper cups are not currently accepted in the compost or recycling streams in Sonoma County (even if they are labeled compostable);</li> <li>• however, because there are no compostable or recyclable alternatives commercially available for take-out hot liquids, they are allowed.</li> </ul> 	<p><b><u>Polystyrene foam products</u></b></p> <ul style="list-style-type: none"> <li>• Cups, plates, clamshells, etc.</li> <li>• Coolers/ ice chests, or similar containers</li> <li>• pool or beach toys</li> <li>• packing peanuts or other packaging materials (unless donated by customers to a packaging store for reuse).</li> </ul>  <p><b><u>Non-recyclable, disposable plastic serviceware:</u></b></p> <ul style="list-style-type: none"> <li>• Disposable plastic utensils</li> <li>• Plastic Straws</li> </ul>  <p><b><u>“Compostable” plant/bio-plastic products/ PLA plastics</u></b></p> <p>Although technically compostable in certain facilities, compost facilities serving Sonoma County do not currently accept these items, therefore these products are not compostable in Sonoma County.</p>  <p><b><u>Coated paper food containers</u></b></p> <p>If it has a shiny surface/ moisture barrier, it is likely coated. Exception: paper coffee cups/ containers for hot beverages or soups.</p> 
<p><b>Only Upon Request by Customers:</b> Lids, cutlery, to-go condiment packages, and paper straws</p> 	

**Exemptions:**

1. The City Manager or his or her designee may exempt a food provider, retail vendor or special event promoter from the requirements of this chapter for a one-year period upon showing that this chapter would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. Extensions may only be granted for intervals not to exceed one year.
2. Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this chapter. This exemption shall not apply to food providers operating in City facilities, pursuant to City contracts, or as a special event promoter in the City.
3. Notwithstanding the prohibition on retail sales of products containing polystyrene foam, products which pose a small risk of becoming litter or in which polystyrene foam is included for insulating or flotation purposes and is completely encased in more durable material are exempt from the provisions of this chapter. Examples include surfboards, boats, life preservers, construction materials, craft supplies and durable coolers not principally composed of polystyrene
4. Packaging for meat and fish is exempt from the provisions of this chapter.