

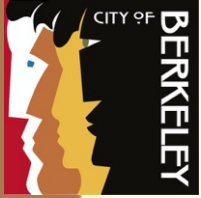


Passing a Single-Use Foodware & Litter Reduction Ordinance in Berkeley, CA

Council Member Sophie Hahn – ordinance author
Ecology Center Executive Director Martin Bourque – advocate & expert



Chrise de Tournay Birkhahn, Chair ZW Commission and Heidi Obermeit, Recycling Program Manager, City of Berkeley ZW Department
NRC National Zero Waste Conference December 1 - 4, 2020



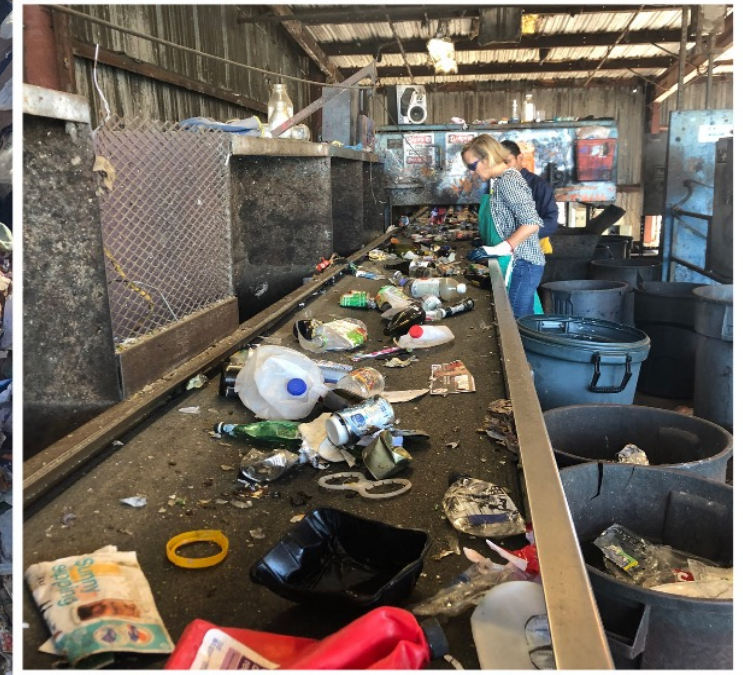
Partnership is Core of Vision

Make it work for Restaurants/Food Vendors • Make it work for Customers
Make it work for the City

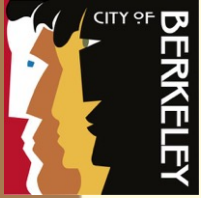
INCLUDE:

- Advocates & Experts
- Zero Waste Commission & Public Consultation
- Community Organizers
- City Staff
- Supportive Council Members – *make the case, get the votes.*

MANUAL SORTING LINE



**REJECTED MATERIALS
AFTER SECOND SORT.
NO MARKETS.
SENDING TO LANDFILL**



Berkeley Single-Use Foodware & Litter Reduction Ordinance *(effective March 27, 2019)*

PHASE 1 – effective immediately upon passage

- Prepared food vendors that allow self-bussing must provide color-coded receptacles for customers to separate recyclables, compostables, and landfill waste. Signage must be posted above and/or on each receptacle.
- Accessory disposable foodware items provided only upon request or at self-serve stations. Opt-in for accessories required on food delivery sites/applications.
- Disposable foodware purchased by the City of Berkeley for use at city facilities and city-sponsored events must be reusable or certified compostable.

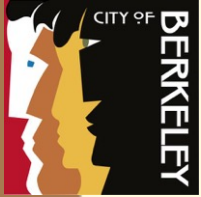


PHASE 2 – Effective January 1, 2020 - *enforcement January 1, 2021.*

- All disposable foodware and accessory foodware items must be BPI-certified compostable and free of intentionally added fluorinated chemicals.
- Prepared Food Vendors must show a charge of twenty-five cents (\$0.25) for every disposable beverage (hot or cold) cup provided.

PHASE 3 – Effective July 1, 2020 - *enforcement July 1, 2021.*

- Prepared Food Vendors offering any onsite dining or consuming may only use reusable (durable/washable) foodware to serve customers eating on the premises.
- Technical assistance and mini-grants will be available to assist Prepared Food Vendors with the transition to reusable foodware prior to enforcement. *Hardship waivers will also be available prior to any enforcement action.*



Public & Stakeholder Engagement Process

- April 2018:
 - Council refers draft ordinance to Zero Waste Commission
- April-September 2018:
 - Zero Waste Commission convenes 6 public input sessions
 - 60+ comments received
- December 2018:
 - “Berkeley Considers” online survey - 112 responses
 - ZW Commission submits recommendations

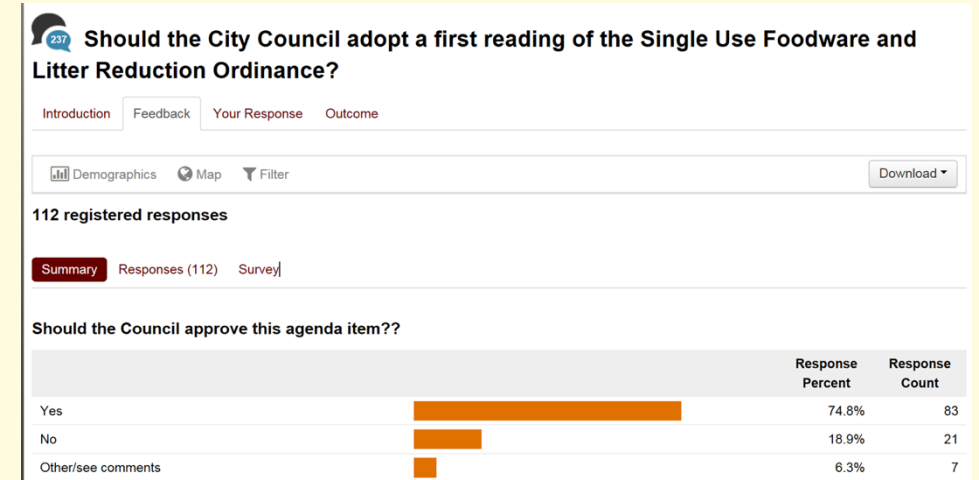
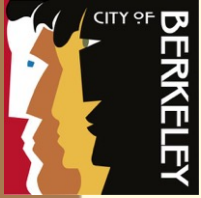


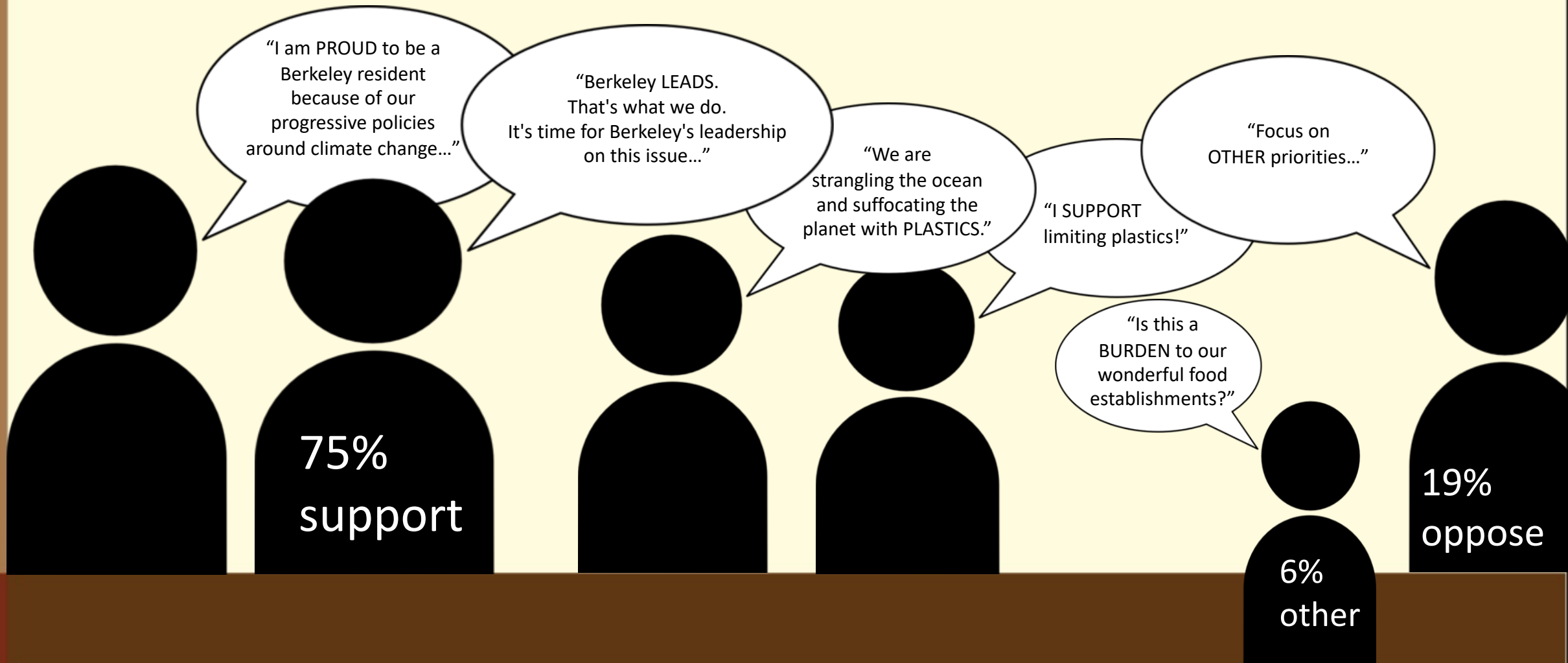
Photo Credit: Berkeleyside - Emilie Raguso

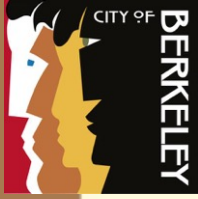
Public Comment from
Oxford Elementary
School Zero Waste
Classroom Students
at Berkeley City
Council Meeting



Public Responses to Online Survey:

Should Council Adopt the Single Use Ordinance?





Public Outreach Process: ZW Commission

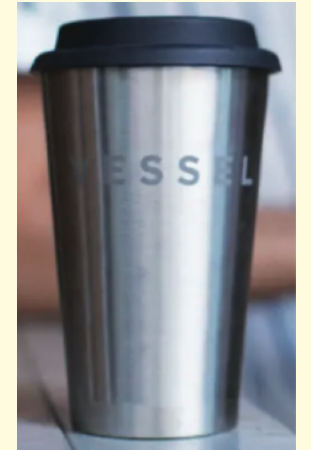
- Council refers proposed ordinance to ZW Commission for public outreach/input-gathering process. Commission forms sub-committee to design process. *(April 2018)*
- Methodology (5 months): extended public comment periods at 3 monthly meetings; 3 public presentation/input-gathering events (varying days/times/locations). Staff helps conduct outreach to other commissions and business/civic/community organizations. Staff addresses potential costs/issues, proposed operational changes, and enforcement. Online public survey.
- Councilmember/author of ordinance attends public sessions, meets personally with stakeholders, and actively revises language/policy of ordinance throughout process.
- Sub-committee submits detailed recommendations to Council to improve ordinance, reflecting stakeholder and staff input, and aligning with City's Zero Waste goal. *(October 2018)*
- Ordinance passes unanimously; Council expresses confidence in comprehensive public outreach process conducted by Commission. *(February/March 2019)*



Recommendations to Council by Zero Waste Commission & Staff

- Technical Assistance to Businesses (*space usage, plumbing, kitchen renovation*)
- Mini-Grant Funding Program (*reusable ware, dishwashing equipment*)
- Waivers & Exceptions (*business, low-income and disabled stakeholders*)
- Pilot Program for Durable Foodware (*reusable cups*)
- Future Expansion for city-wide Reusable Foodware Program by March 2022
- Impose charge on disposable foodware containers

Photo: Business conversion from disposable to reusable foodware
Clean Water Action's ReThink Disposable Program



Current Pilot:
Vessel Works
Reusable Cup
System



Revision to Berkeley's Ordinance Based on Disability Community Input

- Allow disposable straws to be provided upon request for on-premises dining
- Must be certified compostable (BPI)
- Businesses that customarily offer straws are encouraged to maintain a small supply of flexible bioplastic straws



Incentivizing BYO – Charges Impact Behavior

Example: 2013 Alameda County Reusable Bag Ordinance (\$0.10/bag charge)

- Bag purchases by affected retail stores declined by 85%
- # of shoppers bringing reusable bag to affected stores or not using bag at all ***more than doubled***

Research on charges indicates:

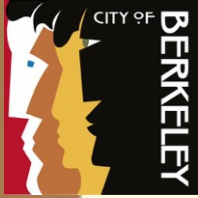
- More effective than discounts (*discounts can be effective for addressing equity issues*)
- .25 charge spurs *more* behavior change for BYO than a .10 charge



Stakeholder Input on Charges for Disposables

<u>Stakeholder Concerns</u>	<u>Ordinance Revisions to Address Concerns</u>
Proposed charge on take-out containers <ul style="list-style-type: none">• Punitive if no reusable option available• Complexity of multiple line items on receipt	Eliminate proposed charge for take-out containers – Support pilots (Charge remains \$0.25 for all disposable cups)
Fear that charges will drive customers away	No requirement for businesses to raise prices (the \$0.25 charge for cups must simply be itemized)
Customer-provided reusables: <ul style="list-style-type: none">• Sanitation/health code• Portion sizes	Added standards for businesses to reject unsanitary or inappropriate cups provided by customers AB 619
Impact to low-income and unhoused	WIC/SNAP/EBT card exemption on \$0.25 charge





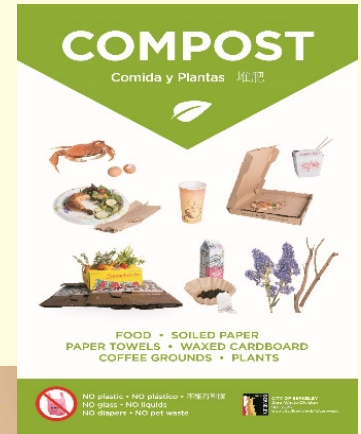
Recyclable or Compostable Disposables?

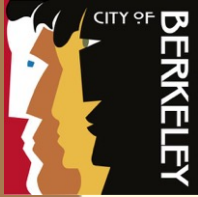
Stakeholder Concerns

- Is “recyclable” foodware actually recycled?
 - Uncertain markets
 - Recycling contamination
- Compostability of bio-plastics?
- Foodware may not end up in correct bin

Ordinance Revisions to Address Concerns

- Disposable foodware must be certified compostable (BPI-certified)
- Disposable foodware must be accepted in city compost collection program
- Front-of-house Recycle and Compost bins required (if customers self-bus)





Maintaining a Certified Compostable Product List



Staff Concern

- Challenge to maintain updated list of products that are certified compostable and do *not* contain fluorinated chemicals
- Decision made to link to BPI product catalog <https://www.bpiworld.org/CertifiedCompostable>



Welcome to BPI's Product Catalog

This site lists all BPI approved companies and their products, down to the item number. Today there are over 4600 approved products ranging from compostable bags and foodservice items to resins and certified packaging materials. The catalog is searchable and you can download the individual items for a given company. We expect the catalog to grow as more manufacturers sign up for the BPI certification program and provide the item level detail that we require.



SEARCH FOR CERTIFIED COMPOSTABLE PRODUCTS

COMPANY OR PRODUCT NAME, SKU, KEY WORD

SEARCH

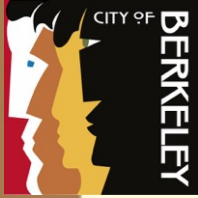
SHOW RESULTS BY



PRODUCT



COMPANY



Input on Reusable Foodware for Dine-in

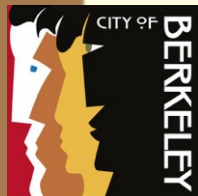
Food Vendor Concerns

- Costs/Labor
- Space constraints
- Logistics

Ordinance Revisions to Address Food Vendor Concerns

- Phase-in ordinance and enforcement
- Waivers for space constraints and financial hardship
- Vendors can wash on-site or contract with cleaning service
- Exceptions for foil, paper liners and paper napkins





Overview Information Notice and Support Materials for Businesses



Point-of-Sale Materials for Prepared Food Vendors
(Rethink Disposable)



BERKELEY SINGLE USE FOODWARE & LITTER REDUCTION ORDINANCE

Ordinance Requirements for Prepared Food Vendors

Phase 1 Effective March 27, 2019



♦ Accessory Items Upon Request

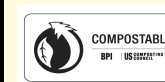
- ✓ Provide Accessory Disposable Foodware Items (e.g. straws, utensils, cup lids, sleeves, stirrers, napkins, etc.) only upon customer request or at self-service stations.



♦ Front-of-House Recycle & Compost Receptacles

- ✓ Place color-coded recycle and compost receptacles next to trash receptacles available to customers.
- ✓ Post signage above and/or on each receptacle.

Phase 2 Effective January 1, 2020



♦ Certified Compostable Foodware

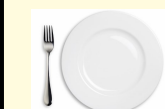
- ✓ Disposable foodware must be BPI-certified compostable.
- ✓ No disposable plastics allowed.
- ✓ Recyclable aluminum foil is allowed for burritos & wraps.



♦ \$0.25 Disposable Cup Charge

- ✓ Charge \$0.25 for every disposable cup provided to customers.
- ✓ Identify the \$0.25 cup charge separately on menus, menu boards, delivery ordering platforms, and receipts.

Phase 3 Effective July 1, 2020



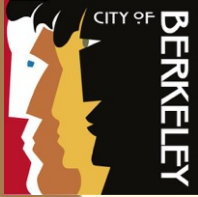
♦ Reusable Foodware for On-Premises Dining

- ✓ Foodware utilized for on-premises dining must be reusable.
- ✓ Disposable foodware is prohibited for on-premises dining.
- ✓ Exceptions: Compostable paper tray liners are allowed. Napkins & compostable straws allowed upon customer request.

Enforcement begins one year after the effective date of each phase. Technical assistance will be available to assist businesses with the transition to reusables prior to enforcement.

This fact sheet is an overview of the ordinance. Please refer to BMC Chapter 11.64 for the complete ordinance requirements.

One-sheet sent to businesses in 2019



Some Afterthoughts & Challenges

Grace Period: 1 year until enforcement per phase.

Intended to let businesses procure bins, source new vendors, sell-through inventory, implement .25 charge structure, redesign/retrofit. Businesses can delay compliance until enforcement begins.

Covid-19 fallout: some businesses have opted for cheaper plastic over compostable ware; others switched to disposables from reusables due to labor costs for dishwashing staff (some did not have commercial compost service).

Staffing: ZW department understaffed; no new positions allocated for enforcement.

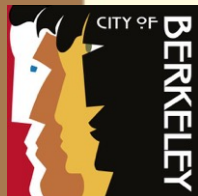
Staff shortages have resulted in limited broadcasting of new law, with some businesses lagging in awareness of new ordinance and its phases.

Covid-19 fallout: City offices closed; staff worked half-time for 4 months due to Emergency Operations duties.

Departmental collaboration: Not mandated.

OED and Health departments less inclined to include enforcing ordinance requirements in annual visits or other outreach touches.

Covid-19 fallout: Less on-site staff decreases opportunity to design collaborative process for information/materials dissemination and enforcement. Fearful of imposing economic impediments to business' survival.



Chrise de Tournay Birkhahn

Outgoing Chair/Vice Chair Zero Waste Commission

Zero Waste Specialist & Educator

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City Council Meeting. Photo: Berkeleyside/Emili Raguso

***Special thanks to our incredible ZW Commission Secretary -
Recycling Program Manager Heidi Obermeit!***