

Proposed Waste/Foodware Reduction Ordinance

FAQs

FAQ for Napa Residents/Visitors

Talking point to start a conversation -

- The Napa Climate NOW! Waste Reduction Issue Team is working on solutions (an ordinance) for Napa to eliminate plastic disposable foodware and polystyrene foodware, require reusables foodware in dine-in restaurants, and switch to compostable disposable foodware by request only. To encourage behavior change and support local food service establishments there will be a charge for cups and for other disposable foodware.
- There are many Bay Area municipalities and counties that have enacted similar ordinances or are in the process of doing so (Marin, Alameda, Berkeley, etc.)
- Residents/consumers/customers want this because it reduces source pollution (less litter affecting our communities, streets, open spaces, waterways, wildlife) and it helps reduce greenhouse gases and mitigates climate change.

--Short Summary of the Proposed Ordinance--

- *On premises foodware must be reusable.
- *Customers can provide their own foodware for takeout
- *Disposable foodware must be compostable
- *Accessory foodware only upon request.
- *\$0.25 charge for disposable cups.
- *\$0.25 charge for other disposable foodware per order.
- *\$1.00 maximum charge for ALL disposables per order.
- *\$0.25 discount for customer-provided foodware for take-out.
- *The City/County must comply when purchasing foodware.
- *There is a waiver if an establishment does not have a dishwashing capability.
- *Polystyrene ban for prepared food.
- *Polystyrene ban includes City/County facilities.
- *No plastic bottles for events held on City/County property.
- *No plastic bottles in City/County vending machines.
- *Violations are subject to Municipal/County Code guidelines.

General Information -

1) *Why is plastic a problem?*

Single-use plastics are harmful to the environment and marine life in particular, and they contribute to global warming during production, refining and as a waste product.

- Half of all [sea turtles](#) and nearly all [seabirds](#) have eaten plastic.
- Utensils are one of the most [harmful forms of plastic pollution](#) to marine life.
- Straws and utensils are in the [top ten most commonly found pieces of trash](#) during beach cleanups.
- The [Great Pacific Garbage Patch](#) is double the size of Texas.
- By 2050, in a business-as-usual scenario, there is expected to be [more plastic \[PDF\]](#) in the ocean than fish (by weight).
- Over [500,000,000 plastic straws](#) are used each day in the United States.
- 7 trillion microplastics [enter the San Francisco Bay](#) annually through stormwater.
- A May 2019 report by the Center for International Environmental Law warns that plastic contributes to greenhouse gas emissions at every stage of its lifecycle, from its production to its refining, and the way it is managed as a waste product."

In 2018, plastics generation was 35.7 million tons in the United States. According to the WWF, just 9% of plastic generated in the US is recycled.

While plastics are found in all major municipal solid waste (MSW) categories, the containers and packaging category had the most plastic tonnage at over 14.5 million tons in 2018. This category includes bags, sacks and wraps; other packaging; polyethylene terephthalate (PET) bottles and jars; high-density polyethylene (HDPE) natural bottles; and other containers.

2) *Why target disposable foodware and cups in particular?*

- The proposed ordinance would significantly reduce the use of all disposable foodware, such as utensils, packets, straws, and cups. And it will help change our current throw away culture and move us towards a reusables future.
- Charges for take-out cups and other disposable foodware, if they work like bag charges, would reduce disposable foodware by about 80%.
- There's significant climate benefit with this reduction.
- In 2016 restaurants spent \$19 billion on Disposable foodware and it is estimated that at the same year, 561 billion foodware disposable items were used in the US, becoming a total of 4.9 million tons of waste¹.

¹ Overbrook Foundation, "The Dirty Truth About Disposable Foodware" February 2020

- Consumption of single-use plastic could have increased by 250-300% in America since the coronavirus².

3) ***How Will Reducing Disposable Cups Reduce Greenhouse Gas Emissions in Napa?***

- In terms of food packaging, as of 2012, 120 billion single-use cups are used per year in the United States, or 370 per person per year.
- According to research, each year Americans use 54 Billion paper cups, 38 Billion plastic cups, 26 Billion foam cups.
- By this measure, Napa County residents use almost 51 million cups per year (50,965,280).
- Since the average CO₂ footprint of a paper cup is 0.033 pounds of carbon dioxide emissions, Napa County's single-use cup use equals to nearly 841 tons of greenhouse gas emissions annually.
- Using a reusable cup once a day can save 23lbs of GHG emission, 281 gallons of water, 16lbs of solid waste, 1 tree and saving \$91 with a \$0.25 discount³.

4) ***Why Aren't Bioplastics a Solution?***

Bio-plastic foodware is not necessarily compostable or degradable, and some may contain toxic materials.

- Some bio-plastics may contain [harmful chemicals](#) such as PFAS.
- When non-compostable bioplastics enter compost processing facilities, they may [contaminate the waste stream](#).
- Bio-plastics do not always break down during the composting process.
- Bio-plastics look a lot like their plastic counterparts and people place them in the recycling due to confusion. .
- When bioplastics end up in oceans and bays, [they behave similar to regular plastics](#) in the way they decompose, potentially harming marine life.

5) ***What Are Some of the Key Features of the Reusable Foodware/Waste Reduction Ordinance?***

The draft ordinance, which includes a polystyrene packaging ban, contains five key features including:

1. All takeout disposable foodware (e.g., plates, bowls, cups, trays) must be natural-fiber compostable (no bioplastics).
 - a. Takeout foodware must be certified by the Biodegradable Products Institute (BPI) or other third party product certification recognized by the City/County.

² The Economist, "Covid-19 has led to a pandemic of plastic pollution"
June 23, 2020

³ Rethink Disposable <https://www.rethinkdisposable.org/resources>

- b. Takeout foodware accessories must be natural-fiber compostable and only available “upon request”.
 - c. Aluminum and glass are allowed.
- 2. Reusable foodware (real and utensils must be used if a customer is dining in at a restaurant).
 - a. Dine-in customers must be served on reusable foodware (e.g., plates, bowls, cups, trays) and utensils.
 - b. Some natural-fiber compostable accessories (e.g., napkins) can be provided upon request.
 - c. Enforcement to be phased in 6 months following adoption by City Council.
- 3. A \$0.25 charge for disposable cups (with a cap of \$1 including accessory foodware charges).
 - a. Exemptions available for CalFresh/SNAP and WIC customers.
- 4. A \$0.25 per order charge for requested disposable foodware items (with a cap of \$1 including cup charges).
 - a. Includes natural fiber compostable items such as napkins, cup sleeves, stirrers, straws, utensils as well as condiments.
 - b. Exemptions available for Cal Fresh/SNAP and WIC customers.
- 5. A \$0.25 discount per order for bringing your own foodware.

6. POLYSTYRENE...

This ordinance will apply to all entities selling prepared food to the public in the City/County, including restaurants, grocery stores and delis, bakeries, carry-out, quick services, farmers markets, food trucks, and any other business with a health permit.

6) *Why Is Reuse the Best Overall Option?*

- Reduces waste and single-use
- Results in lower carbon emissions and water use
- Results in improved diner and employee satisfaction
- Reduces litter-prone packaging
- Encourages business innovation and reuse models that support local policies
- Reduces impact of migration of harmful chemicals from single use foodware
- **Saves \$\$\$**

Reuse Saves Communities Money (Upstream website)

The cost to local governments for managing waste in 2019 was nearly \$13 billion, and litter cleanup across the U.S. cost \$11.5 billion. By one estimate, food service packaging comprises 67% of street litter. And taxpayers spend nearly 8 billion annually cleaning it up.

- **Disposable foodware adds costs to businesses to buy single-use products and pay for waste hauling.**

- **They also add costs to city governments for managing the waste.**
- **Reuse stops waste before it starts and reduces costs for businesses and local governments to manage all the waste.** Reusables cut the number of single-use items that end up in the waste management system. The number of times a reusable product is used dictates the amount of waste reduced.

7) Who is behind this proposed ordinance?

A citizen-based committee of Napers who volunteer with Napa Climate Now! and who regularly patronize local restaurants and eateries. We believe this ordinance is a win/win for local businesses and the environment and that it has the added benefit of reducing greenhouse gases associated with climate change.

FAQ for Affected Napa Businesses -

Questions -

1. How would this ordinance affect your business?

There are a few ways this ordinance will affect your business:

- A. **Requires Reusable Foodware** - By changing to reusable whenever possible instead of disposable, it will most likely reduce your overall foodware cost. According to research, businesses that switched to reusable experienced savings of \$3,000-\$21,000 a year. Another benefit of the new ordinance is that it will enable you to market your business as environmentally conscious, which could help attract more customers.
- B. **Permits Bring Your Own (BYO) Foodware**- The Napa County Health Department allows customers to bring their own coffee cups and containers (contactless coffee). By allowing BYO, a business can save time and water on washing dishes and money by not buying foodware. It will help reduce cost, reduce waste and have a huge environmental impact.
- C. **Requires “By request only” (opt-in) for Foodware Accessories** - This will apply to online orders, third party orders, and in-person orders as well. This change will significantly reduce your total foodware cost and hopefully reduce the amount of disposable foodware that ends up in our environment and landfills as well!
- D. **Change to BPI Certified, Natural Fiber-based, Compostable Only** - To support your business and help cover the cost of BPI Certified (or other third party product certification recognized by the City) fiber based compostable items, there will be a charge of \$0.25 per cup and 0.25 for all other disposable foodware per order with a maximum charge of \$1.00 per order. These extra charges are for your business to keep and are intended to cover your business cost and also change people’s behavior and perception towards disposables.

2. How can this ordinance help my business save money?

Switching to reusable and reducing the purchase of new inventory is a great way to see savings. As a business owner you will reduce the amount of inventory you need to order and keep on hand, and gain more space for other things as a result.

3. Why should I support this ordinance?

- There are so many benefits to this ordinance including:
 - Local environmental (reducing waste and litter, increasing reuse of items);
 - Economic (saving money);
 - Global environmental (reducing the use of natural resources)
- As a citizen-based committee of Napans who regularly patronize local restaurants and eateries, we believe that this ordinance will bring many benefits to businesses, especially in light of the increased costs associated with operating during the COVID-19 pandemic. This ordinance can help support your business with financial savings via

direct cost reductions and cost sharing, and offers the additional benefit of good publicity for supporting the environment.

4. Why not move to compostable? Why is it important to have reusable and “by request only” accessories?

Both compostable and plastic foodware are made using natural resources and are usually used once and thrown away afterwards. Yes, compostable is better than plastic because we are fortunate to have compost facilities in our county, but reducing the use of disposable items and their toll on the environment and climate requires changing our society's throw-away mentality.

The current ordinance will help reduce the use of disposables by moving businesses and consumers to reusable and to “by request only”. By including a disposable foodware and accessories charge, customers will be incentivized to take only what they need and, hopefully, not be wasteful.

As we know, especially during this pandemic, people frequently order takeout to eat at home. Since they are eating at home, they don't need all the different disposable foodware that is often automatically provided with their packaged order at the time of pick up, such as utensils, napkins, condiment packets, etc. Switching to a “by request only” model for disposable foodware accessories, will save businesses money and support the environment.

5. I can't comply with the ordinance because I don't have a dishwasher on site / don't have space for one. What should I do?

Not having a dishwasher on site can be an issue, but all restaurants must have a sink to comply with health codes and that sink can be modified to a washing station. Yes, you might need to hire another employee, but you will be providing work to someone in the community, which is so important in these especially challenging times. And according to research in the industry, there is an overall cost benefit to adopting reusables, even with an additional hire to clean reusable foodware.

Another option that we hope becomes viable in Napa County is one that involves third-party companies that specialize in washing reusables and returning them to businesses, as has been done in Berkeley and other places in the Bay Area.

6. Won't I be wasting water by washing reusables? Is that any better?

While it's true that washing dishes requires water, producing disposable foodware requires natural resources and water as well. Reducing requests for disposables and adopting reusable alternatives is a great way to save resources and also less water-intensive than producing items from virgin materials.

According to ReThink Disposable - changing from disposable to reusable for one year can save ~380 disposable cups, 280 gallons of water usage, 23 lbs of GHG emission.

According to case studies from ReThink Disposable when restaurants switched to reusable the water consumption did not change significantly and the cost was still lower, even after hiring a person to wash the dishes and installing a dishwasher.

From Upstream -using 500 paper cups consumes nearly 370 gallons of water vs. using and washing reusable ceramic cups 500 times consumes only 53 gallons of water .

7. Natural fiber-based containers that are certified by the Biodegradable Products Institute (BPI) are too expensive. What are my options?

While natural fiber-based compostable containers might have been cost-prohibitive in the recent past, that is no longer the case. As market demand for them as alternatives has dramatically increased, they have become increasingly cost competitive -- and will become even more so as waste reduction ordinances continue to be passed in more communities nationwide.

Many communities with foodware reduction ordinances in place offer resource lists that include purveyors/distributors of BPI-certified products and associated costs so business owners can readily compare/assess/procure more sustainable alternatives. Here are a few:

[Marin County Suggested Foodware Accessory Alternatives](#)
[Zero Waste Sonoma Food Service Ware Alternatives](#)

8. I sympathize with the intent of this ordinance, but it's just not a good time for me to comply given the continuing disruptions and protocols imposed by the COVID pandemic.

When considering the potential savings to your business as outlined above and the customer goodwill that will no-doubt accrue, it's actually a great opportunity to make the transition to reusable and natural fiber-compostable alternatives. Change is always challenging at first, but long term it makes both good economic and environmental sense.

9. BYO during COVID-19 - I am worried for the safety of my employees. What are my options?

According to the Centers for Disease Control, COVID-19 is primarily spread through exposure to infected respiratory droplets; it is possible for people to be infected through contact with contaminated surfaces or objects, but the risk is generally considered to be low. According to Napa County Health and Human Services, customers can bring their own foodware as long as there is no contact with employees. There are more and more creative ways to use items that were brought in by customers -- one example being "contactless coffee" whereby a customer

brings their own cup and places it on a tray that permits a barista to remove and fill the cup without having to touch it.

Also keep in mind that under the new ordinance it will still be at the discretion of the business whether or not they want to allow a specific customer to use their own foodware: “Food Vendors and Food Providers may refuse, at their sole discretion, any customer-provided Reusable Foodware that is cracked, chipped or corroded, appears inappropriate in size, material, or condition for the intended beverage or food item, or that appears to be excessively soiled or unsanitary.”

Questions to Ask Affected Businesses -

- *There will be a public education program and templates for signage, etc. to get the word out about the ordinance. Do you have any suggestions for increasing its effectiveness?*
- *Would you be willing to display a logo/badge on your window/website indicating your compliance/participation? It's an opportunity to show your customers you care about the environment/planet. (i.e. "Skip the Stuff" campaign)*
- *How much time would be required for your business to comply with the ordinance?*
- *Tourism - How will this ordinance affect tourists since Napa is a global destination?*
 - Napa County relies on tourism. As one, it has the opportunity to be a leader and implement a strong ordinance that will reduce the use of plastic, styrofoam, and other natural resources. The hope is that this ordinance will have a larger impact on other communities as they visit Napa.
 - Businesses pay to purchase disposable foodware and for disposing it as waste. Charging for disposable will help cover some of those charges and help support businesses that were impacted in the past year and a half.
 - Due to the fact that all businesses in Napa County are part of the ordinance, we hope that it will stimulate innovation and add more jobs in our area. One option is to have companies that will supply reusable foodware for takeout for deposit. That will reduce the charges tourists will need to pay for disposables and the charge businesses are paying for it as well.
 - Traveling with reusable foodware is something that is getting to be more popular and often tourists are traveling with their coffee cups.
 - One last thing, those who use disposables are adding to the waste generated in our County whether in the business, the public receptacles, or littering. Locals are the ones paying for cleaning the streets from littering and public receptacles through our taxes. Changing to reusables takeout will help change this status and help keep our Cities/County cleaner.
- *How will this ordinance affect low-income and homeless individuals?*

We share that consideration and want to make sure everyone is included. In the ordinance it is stated that anyone who demonstrates, at the point of sale, a payment card or voucher issued such as EBT, WIC, or SNAP, will not need to pay for the fees.

One thing that is important to remember is that this ordinance supports reusable. If customers bring their own containers not only they will not be charged but also receive a discount. This is Saves \$\$\$good to remember that people can save money.