



## Fremont City Council

3300 Capitol Avenue  
Fremont, CA 94538

**SCHEDULED**

Meeting: 10/08/19 07:00 PM  
Div/Dept: Environmental Services  
Category: Plans, Policies and Studies

### STAFF REPORT (ID # 3895)

Sponsors:  
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## **SINGLE USE DISPOSABLE FOOD SERVICEWARE - Update on Environmental Considerations of Compostable Food Serviceware Options and Alternatives to Reduce Plastic Single Use Food Serviceware Use**

### **Contact Persons:**

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**Executive Summary:** In October 2018, staff presented ordinance options regarding the restriction of plastic straws and other single-use plastic items in restaurants. These options ranged from least restrictive ordinances, focused on straws upon request and only applying to full service restaurants, to much more restrictive ordinances that cover a wider range of single-use plastic products, apply to a broader range of food businesses, limit the retail sale of single-use plastic products, and require food vendors to demonstrate adequate dishwashing capacity in order to obtain a zoning permit or a business license. The City Council expressed an interest in a moderately restrictive policy and directed staff to conduct additional analysis and return to the Council with a draft ordinance and resource estimates.

Staff conducted research on alternative products and followed up with early ordinance adopters, such as the City of Alameda, to understand implementation, enforcement and compliance issues. In order to comply with single-use plastic restrictions, businesses have relied upon biobased and compostable alternatives to replace some restricted plastic products. More information is becoming available about the unintended consequences of many of these products including higher environmental costs during production and end of life impacts such as the contamination of compost with fluorinated chemicals. These issues are described in more detail in the staff report.

Given this information, staff is recommending against a broad product ban, which would result in many businesses transitioning from single-use plastics to problematic single-use compostable products. Instead, staff recommends a phased approach that initially targets voluntary implementation from a narrower segment of businesses and is focused on products with practicable reusable alternatives. Subsequent phases could include mandatory participation, expansion to additional business segments such as fast food or take out, and a broadening of prohibited products. This would be consistent with the approach being considered by StopWaste (Alameda County Waste Management Authority), which is developing a model single-use plastics ordinance for its member agencies.

Staff recommends continued collaboration with Stopwaste to develop a countywide ordinance rather than developing a City specific ordinance. While the ordinance is being developed by StopWaste, staff suggests implementing a focused technical assistance program to help transition as many food generating businesses as possible in advance of any ordinance adoption. Staff is recommending utilizing Clean Water Fund/ReThink Disposable, a research and education organization currently working throughout the county

under a contract with StopWaste. Two Fremont success stories of businesses transitioning to reusable serviceware from that effort are described in this staff report. Appropriating \$90,000 for work focused in Fremont would build upon work currently being done and permit the ReThink Disposable team to identify and work with a target list of up to 250 Fremont food generating businesses. This work would be funded through the Integrated Waste Management Fund and coordinated with the Department of Economic Development. No General Fund impact is anticipated.

**BACKGROUND:** This section provides background detail on three separate components that helped shape the staff recommendation: challenges with single-use compostable products, StopWaste actions and activities, and Clean Water Fund/ReThink Disposal program work previously conducted in Alameda County.

*Compostable Alternatives:* In order to comply with single-use plastic restrictions, businesses have relied upon biobased or compostable alternatives to replace restricted plastic products. Unfortunately these alternatives can be problematic and do not always provide the intended environmental benefit. Some products, such as utensils, seldom break down completely during the standard composting cycle and are screened out and ultimately landfilled as residue. Other products, such as bowls and food containers, commonly include moisture barriers or linings that contain fluorinated chemicals, which have been linked to numerous health problems. Fluorinated chemicals do not break down in the composting process and are a contaminant in the finished compost product.

Biobased (made from renewable feedstock) and compostable products (designed to degrade completed by biological processes) can also have higher environmental impacts during production than traditional plastic products. A 2018 study released by the State of Oregon Department of Environmental Quality evaluated the lifecycle costs of biobased and compostable food serviceware and found higher production impacts including fossil energy use, water consumption, and acidification/acid rain than traditional plastic materials. The report states:

“Given the suite of materials and formats evaluated in the literature, compostable food service ware (if composted) typically results in higher environmental impacts when compared to other food service ware that is non-compostable, even if that other food serviceware is landfilled.”

*StopWaste Actions and Activities:* In May of 2019, Stopwaste staff gave a presentation to its Program and Administration (P&A) Committee and the Recycling Board to provide some background for a single-use disposable foodware ordinance. The presentation highlighted some of the challenges with different food serviceware options including toxicity and composting difficulties. Staff expressed their intent to get a better understanding of the complexities of the issue in order to minimize the likelihood of any unintended consequences from ordinance requirements. A working group of municipal staff and StopWaste staff was convened which met in July with a second meeting scheduled for October 15. StopWaste staff will be returning to the P&A Committee and the Recycling Board on November 14 to present ordinance options and request feedback. Options are expected to include development of a model ordinance for adoption by individual member agencies or a single countywide ordinance with a phased implementation. The Committee and Board's feedback will shape the recommendation presented to the Authority Board in

early 2020. Subsequent steps are anticipated to include a CEQA analysis, phased implementation, outreach, and enforcement.

There is a precedent for creating countywide ordinances. The Mandatory Recycling Ordinance and Reusable Bag Ordinance, both adopted in January 2012 are examples of StopWaste developing a single countywide ordinance on behalf of its member agencies. Both included a phased implementation with outreach and enforcement conducted by StopWaste and participation options for member agencies.

*Clean Water Fund/ReThink Disposal:* Founded in 1974, the Clean Water Fund is a national 501 (c) (3) research and education organization with offices in 13 states and headquartered in Washington DC. The organization pursues initiatives that protect water quality and reduce waste with a focus on reducing the use of single-use disposable products. Their packaging reduction initiative, ReThink Disposable, educates business operators about the environmental lifecycle and cost impacts of single-use products that are designed for minutes of use but persist in the environment for years and are often not as compostable or recyclable as marketed. Their program includes extensive fieldwork and face to face contact with diverse food business operators to identify opportunities to reduce single-use food and beverage packaging and transition to reusable options, often with cost savings.

Between 2017 – 2019 through a contract with StopWaste.Org, ReThink Disposable has contacted 144 businesses in 12 Alameda cities. This effort resulted in two Fremont businesses this year making changes in their operations to reduce waste by changing from disposable, single-use plastic items to reusable items. Bean Scene Café (4000 Bay St.) switched to reusable cups for water and cold drinks and replaced disposable stir sticks with stainless steel spoons. They have decreased plastic consumption by a third and reduced their daily trash from seven bags to four. A Subway restaurant (34115 Fremont Blvd.) switched from single-use plastic to reusable water cups and silverware for their dine-in customers. ReThink Disposable has also worked extensively in the City of Alameda through a separate project funded through an Ocean Protection Council grant. That was approximately a two-year effort (May 2017 – July 2019) which targeted 300 businesses in Alameda. Eighty businesses converted at least one disposal item to a reusable alternative. Several of the businesses including Subway and Straw Hat Pizza, are franchise chains with similar operations in Fremont.

**DISCUSSION/ANALYSIS:** A coordinated regional effort facilitated by StopWaste is recommended in order to be more effective with outreach, implementation and enforcement than a City specific ordinance. This would also simplify compliance for the many restaurants and fast food chains that operate across multiple jurisdictions. This regional approach is also being considered by the counties of San Mateo, Santa Clara, and Marin, which are in varying stages of single-use plastic ordinance development.

Given the complexity of biobased or compostable single-use alternatives, staff is advocating transitioning businesses to source reduction practices and reusable products where feasible rather than facilitating a transition to problematic single-use alternatives. Staff is recommending a phased approach that initially targets voluntary implementation from a narrower segment of businesses and focuses on products with practicable reusable alternatives. Subsequent phases would be implemented through participation in the StopWaste ordinance and could include mandatory participation, expansion to additional business segments such as fast food or take out, and a broadening of the products targeted.

StopWaste is well aware of the complexities of single-use alternative products which will be addressed in their ordinance.

Staff is recommending using ReThink Disposable because of their extensive work in the county and because it would allow the City to leverage the work currently being under the StopWaste contract. There is some remaining contract capacity and a portion of the funding, potentially \$10,000, could be directed for work in Fremont. Staff is estimating that in order to reach the target of 250 businesses, approximately \$100,000 would be required. Staff is recommending augmenting the StopWaste funding with \$90,000 in order to fund an expanded effort in Fremont. This would require executing an MOU (Memorandum of Understanding) with StopWaste. In the meantime, outreach work could be conducted within the parameters of the available StopWaste funding.

**FISCAL IMPACT:** This work would be funded through the Integrated Waste Management Fund (Fund 115) and funds were appropriated in the FY 2019/20 Adopted Budget. No additional appropriation is needed and no General Fund impact is anticipated.

**ENVIRONMENTAL REVIEW:** Authorizing staff to negotiate an MOU to fund enhanced technical assistance work is exempt from the requirement of the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15061(b)(3) in that it does not have the potential for causing a significant effect on the environment.

**ATTACHMENTS:** None.

**LINKS:** 2018 study released by the State of Oregon Department of Environmental Quality: <https://www.oregon.gov/deq/FilterDocs/compostable.pdf>

**RECOMMENDATIONS:**

1. Receive update.
2. Authorize staff to negotiate an MOU with StopWaste to provide additional funding for ReThink Disposable technical assistance work in Fremont.