



City of Millbrae

Disposable Food Service Ware Ordinance Summary

Adopted on February 23, 2021

The City of Millbrae has replaced the previous Sustainable Food Service Ware Ordinance, adopted in 2008, with the Disposable Food Service Ware Ordinance.

Why did Millbrae adopt this Ordinance?

1. To eliminate the unnecessary distribution and use of disposable food service ware that is not reusable or compostable
2. To improve the health and safety of City of Millbrae community members by eliminating disposable food service ware that is harmful
3. To help meet our regional stormwater permit requirement by reducing street litter which ends up in our waterways

Who does the Ordinance impact?

- Food facilities in Millbrae: Any vendor, business, organization, entity, group, or individual, including a licensed retail food establishment, that provides prepared food for public consumption
- City of Millbrae facilities

What items does the Ordinance affect?

- Disposable food service ware used to serve/distribute prepared food (items such as bowls, plates, clamshells, cups, straws, utensils, etc. designed to be discarded after a single or limited number of uses), and accessories

What does the Ordinance prohibit and require?

1. Polystyrene (#6 plastics) disposable food service ware will continue to be prohibited.
2. Accessories like straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. can only be provided:
 - When requested by the consumer,
 - Upon acceptance by the consumer after being offered by the food facility, or
 - At a self-serve area and/or a dispenser.
- Accessories must be distributed unbundled as separate individual units (e.g. utensils, napkins, etc.).
- Take-out food delivery services that utilize digital ordering platforms must provide clear options for customers to request accessories.

3. Straws, stirrers, utensils, cocktail sticks, and toothpicks (and any packaging these individual items are wrapped in) must be made from non-plastic, compostable materials.

- Plastics are not allowed: Traditional or compostable plastics (bioplastics, PLA)
- Acceptable materials: Natural fiber-based materials such as paper, sugarcane, wheat stalk/stem, bamboo, wood, etc.



4. Plates, bowls, cups, food trays, clamshells, and other take-out containers:

- Plastics are not allowed
- Fiber-based materials acceptable (certified by Biodegradable Products Institute (BPI) or other 3rd party)
- Must be fluorinated-chemical free and have BPI logo



5. Exemptions:

- a. Aluminum (wrap and containers)
- b. Medical accommodations (e.g. plastic straws)
- c. If no reasonably feasible alternative exists
- d. Drive-through areas may distribute straws and cup sleeves without a request from the consumer
- e. If no reasonably feasible disposable food service ware alternative exists

Education and Enforcement

- This Ordinance is modeled after the County of San Mateo's Disposable Food Service Ware Ordinance.
- The County of San Mateo Office of Sustainability will take the lead in the education and enforcement of the Ordinance within the City of Millbrae. The City of Millbrae will also provide education.
- The City of Millbrae and County of San Mateo Office of Sustainability will have a list of approved disposable food service ware sources.

Timeline

- The Disposable Food Service Ware Ordinance was adopted by the Millbrae City Council on February 23, 2021. The Ordinance will become operative and enforced on March 25, 2022.

For questions, please contact: foodware@smcgov.org / 888-442-2666

Sustainable Millbrae website: www.ci.millbrae.ca.us/sustainablemillbrae

