



# City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

REUBEN D. HOLOBER  
Mayor

ANN SCHNEIDER  
Vice Mayor

ANNE OLIVA  
Councilmember

GINA PAPAN  
Councilmember

WAYNE J. LEE  
Councilmember

March 9, 2020

RE: MILLBRAE PROPOSED DISPOSABLE FOOD SERVICE WARE ORDINANCE

Dear Owner/Manager:

I am writing to inform you that the City of Millbrae is considering an update to the Sustainable Food Service Ware Ordinance that will impact food facilities that operate in the City. An informational report was provided to the City Council on February 11, 2020. It is expected that the updated food ware ordinance will go to the City Council on June 9, 2020 for consideration for adoption, and then start in March 2021. This will allow time for businesses to use up existing food ware stock and transition to the new food ware, as well as time to develop education and enforcement programs. **You are receiving this letter because your facility has been identified as one of the food facilities that may be impacted. If you provide food service within the city limits of Millbrae, then this ordinance will impact your operations.**

The proposed ordinance would replace the City's current Sustainable Food Service Ware Ordinance (Food Ware Ordinance), which went into effect on January 1, 2008, and affects food vendors, food preparation services, food trucks, farmer's markets, catering services, grocery stores and restaurants, etc. The Food Ware Ordinance prohibits polystyrene food ware, including Styrofoam and clear polystyrene containers, and requires the use of biodegradable, compostable, reusable, or recyclable food service ware.

The City of Millbrae, along with other cities in the County, is considering adopting the County of San Mateo's Disposable Food Service Ware Ordinance (County Ordinance). The County of San Mateo replaced their existing Polystyrene Ban Ordinance with a more sustainable one, which was adopted by the San Mateo County Board of Supervisors on February 25, 2020. The County Ordinance will start in approximately one year. For the cities that adopt the County's ordinance, the County will provide county-wide enforcement along with education to businesses.

The County Ordinance requires the use of compostable food ware and reduces the wasteful distribution of accessories such as straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. A summary of the Disposable Food Service Ware Ordinance is provided below, along with additional information on how you can learn more about this effort.

**1. What is disposable food service ware?**

Disposable food service ware refers to one-time use items associated with food, such as bowls, plates, clamshells and other to-go boxes, food trays, cups, straws, utensils, napkins, cup sleeves, lids, condiment packets, cup spill plugs, stirrers, cocktail sticks and toothpicks, etc.

**2. Why is Millbrae considering this Ordinance?**

- (1) Eliminate the unnecessary distribution and use of disposable food service ware that is not reusable or compostable;
- (2) Improve the health and safety of our community members by eliminating disposable food service ware that is harmful; and
- (3) Help meet our regional stormwater permit requirement by reducing litter on our streets that ends up in our waterways, including the San Francisco Bay.

**3. Who will this Ordinance impact?**

This will impact food facilities that operate within the city limits of Millbrae that provide prepared food for public consumption.

Food facility means an operation that stores, prepares, packages, serves, or otherwise provides prepared food for human consumption (including, but not limited to, restaurants, cafes and grocery stores). It also includes permanent and nonpermanent food facilities, including but not limited to private school cafeterias, some licensed health care facilities, mobile food facilities, temporary food facilities (e.g. street fairs, etc.), vending machines, certified farmers' markets, microenterprise home kitchen operations, catering operations, and other operations.

Prepared food means any food or beverage prepared on the food facility's premises using any cooking or food preparation technique. Prepared food may be eaten either on or off the premises.

**4. What are the provisions of the Ordinance?**

- (1) Polystyrene (also known as "Styrofoam" and includes clear polystyrene) disposable food service ware will continue to be prohibited.
- (2) Accessories such as straws, stirrers, cup spill plugs, condiment packets, utensils, napkins, etc. will be provided only (1) when requested by the consumer, (2) upon acceptance by the consumer after being offered by the food facility, or (3) at a self-serve area and/or a dispenser. Accessories will be distributed unbundled as separate individual units. Take-out food delivery services that utilize digital ordering platforms need to provide clear options for customers to request accessories.
- (3) Single-use straws, stirrers, utensils, and cocktail sticks and toothpicks (and the packaging that these individual items are wrapped in, if any) must be made from non-plastic, compostable materials. Non-plastic, compostable is defined as, but not limited to, natural fiber-based materials such as paper, sugarcane, wheat stalk/stem, bamboo, wood, etc. Traditional plastics (petroleum-based) and compostable plastics (aka bioplastics or polylactic acid [PLA]) will not be allowed for the above mentioned items.

- (4) Food facilities must use non-plastic, compostable plates, bowls, cups, food trays, clamshells, boxes, deli containers, and other containers. These items may be lined with, but not made entirely of, compostable plastic. Additionally, these items must be certified by the Biodegradable Products Institute (BPI) or by another 3rd party to ensure that the items break down in an industrial composting facility and are free of/have minimal traces of harmful fluorinated chemicals.
- (5) Exemptions will be allowed for:
- Disposable food service ware that is made from aluminum (e.g. aluminum foil and trays, etc.);
  - Consumers that require accommodations for medical reasons, such as plastic straws; and
  - If no reasonably feasible disposable food service ware alternative exists that meets the ordinance requirements.
- (6) In collaboration with the County of San Mateo Office of Sustainability, the City of Millbrae will maintain and have available a list of approved disposable food service ware sources and/or references to organizations that maintain regularly updated lists of products that meet the ordinance requirements.

You can find more information about the proposed Disposable Food Service Ware Ordinance on the City's website: [www.ci.millbrae.ca.us/sustainablemillbrae](http://www.ci.millbrae.ca.us/sustainablemillbrae). You can also learn more on the County of San Mateo's website: [www.smcsustainability.org/waste-reduction](http://www.smcsustainability.org/waste-reduction).

We would like your input on this ordinance. If you have questions, comments, or other input, please contact Shelly Reider, City of Millbrae Environmental Programs Manager at [sreider@ci.millbrae.ca.us](mailto:sreider@ci.millbrae.ca.us) or call 650-259-2444.

Sincerely,



Jane Kao  
Interim Director, Public Works Department