

City of Arcata

Single-Use Disposable Foodware Ordinance FAQ

Q What is the Single-Use Disposable (SUD) Foodware Ordinance?

A Ordinance No. 1527 was passed to align with the city's Zero Waste Action Plan. This ordinance will help reduce the use of single-use plastic foodware that contributes to street litter, marine pollution, harm to wildlife, waste sent to landfills, and greenhouse gas emissions. The main points are as follows:

- Food vendors with proper dishwashing capacity must use reusable foodware for onsite dining.
- Accessory foodware must be provided upon request or at a self-serve station. Examples of accessory foodware include but are not limited to: straws, stirrers, napkins, cup sleeves, spill plugs, and more.
- All single-use disposable foodware, including accessory foodware, must be fiber-based compostable and free of poly-fluorinated chemicals (PFAS)
- Food vendors must charge a \$0.25 fee per order for food served in disposable foodware. For example: if a customer orders a burger and a drink, they would only be charged \$0.25 for the entire order, not for each disposable.
- Food vendors must offer a \$0.25 discount per order for customers who bring their own reusable foodware for takeout. For example: if a customer orders two coffees and brings a reusable mug for each, it is only \$0.25 off the order.

Q When does the Foodware Ordinance go into effect?

A The SUD Ordinance went into effect March 6th, 2020. Enforcement for a majority of the ordinance began July 1st 2021. The fee and discount portion of the ordinance will begin to be enforced January, 2023.

Q What disposable materials are compliant?

A Fiber-based materials that do not contain fluorinated chemicals (PFAS) and have no bioplastic (PLA) or wax lining are compliant with the ordinance. Examples of this include materials such as paper, wood, sugarcane, bamboo, wheat, pasta, etc. For more examples of compliant materials, you can find a list [here](#)

Q Why are plant based/bio plastics not compliant?

A PLA plastic material is made from plants instead of traditional petroleum-based plastics. If these items are certified compostable, this material can only be composted in a commercial composting facility with high heat and processing. Unfortunately, no such facility exists within Humboldt County. Without the ability to be composted, these materials end up in the landfill and environment, and act like traditional petroleum-based plastic.

Q Are there exemptions?

A Yes, items that do not have suitable alternatives on the market are exempt from the requirement to be fiber-based compostable. These materials are: hot liquid containers, cold cups, cup lids, soufflé cups (small cups typically used for samples or sauces), cutlery, grocery store pack-downs (kitchen prepared sides, sauces, and additions intended to have a longer shelf life than ready-to-eat take-out), and hot bar meal trays (containers used for storing ready-to-eat hot food often found at hot bars within grocery stores).

Any non-conforming disposable foodware item to be used in lieu of a conforming item - whether through exemption or waiver- must be recyclable through the City of Arcata Recyclable collection program. In addition, businesses can request a waiver for certain materials if the owner or operator demonstrates that application of this section would create undue hardship or practical difficulty for that establishment. Waiver requests can be submitted to Arcata's Environmental Services Department.

Q What businesses are impacted by the ordinance?

A It is applicable to all food vendors, food providers, food service establishments, restaurants, and retail stores including, but not limited to: restaurants, grocery stores, bars, cafes, food trucks, and cafeterias.

Q Does the health code allow for customers to bring their own container for take-out?

A Yes, the health and safety code allows for customers to bring their own containers that are clean and appropriate for use to be filled for take-out as per state bill AB 619. Facilities need to have set procedures in place to maintain sanitizing of their workspace and prevent cross contamination.

Q What if the container brought by the customer does not seem suitable for use?

A In accordance with California health and safety code, food vendors may refuse any containers that are cracked, chipped, corroded, appear inappropriate in size, material, or condition for the intended use, or that appear unsanitary or soiled.

Q Where can I find a vendor list of compliant SUD?

A A vendor list of fiber based compostable options can be found [here](#). This list is a great place to start seeing the different options available on the market, but is not a comprehensive list of every possible alternative, and is subject to change based on product information.

