



City of Palm Springs

Office of Sustainability

TO: Members of the Business Community, the Public, and other Interested Stakeholders

FROM: Patrick Tallarico, Manager, Office of Sustainability

SUBJECT: Disposable Food Ware and Plastic Waste Reduction Draft Ordinance Information and Invitation for Input

DATE: August 10, 2020

At the Palm Springs City Council meeting on July 9, 2020, the City Council expressed their support for the full scope of the features in a draft Disposable Food Ware and Plastic Waste Reduction ordinance. ([See Staff Report for Item 4B on July 9th Council Agenda for more details.](#)) The components of the ordinance were developed by the Office of Sustainability with support and input from the Sustainability Commission.

Given the support expressed by the Council, City Staff in conjunction with the Sustainability Commission is planning additional stakeholder sessions to solicit ideas and input on the draft ordinance features. These sessions will be held via ZOOM at the following days and times:

- Tuesday August 25, 8:00 AM
- Wednesday August 26, 12:00 PM
- Tuesday September 1, 6:00 PM

Agendas and Zoom details are posted on the City's Sustainability website (www.yoursustainablecity.com). Please use the Zoom information for the actual day and time you plan to participate.

I. BACKGROUND

The draft ordinance under development aims to address some of our most challenging environmental problems – the preponderance of plastics in our environment and the growing challenges associated with a disposable culture. It was developed in response to recommendations by the Sustainability Commission in late 2018 to curb food-related plastic waste. Plastic pollution and disposable food ware waste are complex problems to solve, and there are no easy solutions, especially given the current pandemic and economic challenges our community faces. Any solutions will take not only action by businesses but also a culture shift on the part of residents and visitors. **Sustainability staff and Council welcome feedback to improve the potential ordinance and to identify other creative, forward-looking solutions to these issues.**

This memo provides an overview of the proposed ordinance features as well as questions that will be used to help facilitate stakeholder input. The memo also includes several attachments that provide additional details on some of the key concepts included in the draft ordinance.

II. DRAFT ORDINANCE FEATURES

Limit all disposable food ware accessories to on-demand only across all points of sale

The proliferation of food ware accessory waste is challenging because there are limited options for non-plastic alternatives, it can't really be recycled in our current recycling system, and they are often given out automatically at restaurants. Although some businesses have started to change their practices and provide them only on request, some restaurants are concerned about customer dissatisfaction if they don't include them and the customer needs them later.

The goal of this provision is to eliminate the practice of automatically giving customers accessories that they don't need. Like the move to reusable food ware on site, this practice will save businesses money because they will buy less products – many of which customers aren't using. This requirement would extend across all points of sale – in person and on line.

Require that all straws be non-plastic

Straws have been the focus of many ordinances and much media attention. Because they are often hard to collect and not recyclable, the best approach is to reduce their availability and ensure that non-plastic alternatives are used so that when they are released to the environment, their threat is minimized. This is addressed in the draft ordinance in two ways – it specifies that any straws are non-plastic and that all straws are available only upon request or in a self-service area. (Plastic is defined as petroleum-based products. Organic-based products would be allowed.)

One of the primary concerns expressed about non-plastic alternatives is cost and performance. Some example cost data for alternatives is provided in Attachment A.

Require reusable food ware for on-site food consumption

This goal of the proposed ordinance is not just to reduce plastics in our environment but also to reduce waste. Although some disposable alternatives – such as those made from compostable and recyclable materials – seem preferable to traditional plastic, they are still disposable and associated with a wide range of environmental impacts, such as greenhouse gas emissions, water and air pollution, resource extraction, habitat destruction, as well as contributing to landfill waste and litter. Moving away from disposables is the only way to reduce waste, and reusable products always have a lower environmental footprint after a number of uses, ranging generally from 5 to 200 uses, depending on the material.

Reusable food service ware for onsite food consumption saves businesses money while significantly reducing their waste generation. A few case studies are highlighted in Attachment B.

Prohibit the use and retail sale of food ware made of polystyrene and expanded polystyrene foam

Styrene used to manufacture polystyrene products is identified by the State of California as a human carcinogen under Proposition 65 chemicals. The State advises that individuals limit consumption of hot food and beverages from polystyrene containers. Polystyrene foam food and beverage service ware is a distinctive litter concern because it is lightweight, easily blown into streets and waterways, and floats in water. It also breaks apart easily into small pieces, is difficult to collect, and is often mistaken as food by birds, fish, and wildlife.

While limiting the use of polystyrene foam food ware by food vendors would make an impact on our local environment, it would not prevent the widespread use among residents, especially at outdoor gatherings. Often these materials get blown into the fences and accumulate around park perimeters and beyond. A total ban on retail sales and use by food vendors may be a more effective way to more universally prevent this type of litter.

In California, 65 local jurisdictions have enacted bans on use of foam polystyrene food ware in food service. Increasing numbers of jurisdictions are expanding this to include all types of polystyrene due to health concerns.

Examples of potential non-polystyrene alternatives is included in Attachment C. Price differences vary based on the quality and type of alternative materials use.

Prohibit use of single-use plastic carryout bags for food

The City’s current single-use plastic bag restrictions do not currently apply to food vendors for prepared food. (See PSMC 6.09.050 paragraph C). This exception would be eliminated, and all food vendors would be required to use paper bags for takeout food and delivery orders.

Require that all disposable food ware that is compostable be certified by the Biodegradable Products Institute and free of fluorinated chemicals

Most materials will biodegrade eventually in the environment (although for plastic in oxygen depleted and marine environments, this may not be true). However, not all products meet the standards of compostability identified in American Society for Testing and Materials (ASTM) D6400 or D6868. It is important that, if food vendors are going to make the switch to compostable materials, they should change to something that will be accepted into our planned organics management program. The management of organics is one of the City’s biggest challenges.

In addition to meeting the standard for compostability, the material should be free of fluorinated chemicals such as per- and poly-fluorinated alkyl substances (PFAS). These chemicals are used to improve performance of fiber-based food ware, but they are known as “forever chemicals” because they are persistent and toxic pollutants that can contaminate groundwater, surface water, compost and then edible crops grown in compost. These chemicals are associated with cancer, endocrine disruption, and a wide range of other human health impacts.

The Biodegradable Products Institute takes both compostability and composition into consideration when certifying products and, therefore, can be used as an easy indicator of product compliance.

Have a disposable cup charge of \$.25 per cup and a disposable container charge of \$.25 per container up to \$.50.

The problem of disposable food ware is as much dependent on individual choice as it is on the decisions of food vendors. Some of the more progressive programs have adopted or are planning a charge for disposable food ware such as cups and containers. Similar to the charge for plastic bags, the additional fee is intended to encourage customers to bring their own cups and containers.

The potential ordinance draft includes a charge of \$.25 per disposable cups and containers to serve as a disincentive for consumers to use disposables and switch to reusables – either their own or those provided by vendors. Charging for disposables is also consistent with a “carbon tax” concept in that it charges citizens for the contribution they make to the City’s carbon footprint.

The fees collected through this process would remain with the food vendor – in theory to offset some of the expenses that might be associated with upgrading their disposable food ware to non-polystyrene or compostable alternatives or for enhancing reusable options. As such, it would not be considered a tax by the City.

III. POTENTIAL DISCUSSION QUESTIONS

- How have you reduced plastics use in your own operations? What has worked well and what has been more challenging?
- Which of these features seem particularly difficult or problematic to implement? What assistance would be needed to help minimize these challenges?
- Which features do you think could be implemented right away? Which do you think will take you more time to comply?

Attachment A – Straw Cost Comparisons (from Webstaurantstore.com)

Prices will of course vary based on suppliers and quantities purchased, but the list below provides some relative cost comparisons for various types of straws. In general, conventional plastic straws range from \$.002/straw to \$.006/straw. Non-plastic and BPI-certified compostable straws were roughly 10 times more expensive than plastic alternative. However, when combined with an on-demand only approach, businesses will likely not see that significant of a cost increase. For a restaurant that is using 1000 straws per month, they might pay \$2.00 for straws for the month. If half of patrons do not request a straw, they may pay \$8.25 for BPI Certified straws for the month – a four-fold increase over plastic costs.

Plastic Straws

Choice 12" Jumbo Clear Wrapped Straw - 2000/Case 1-2 cases, \$12.49/case = \$0.006/straw

Choice 7 3/4" Jumbo Clear Wrapped Straw - 12000/Case 1-2 cases, \$34.99/case = \$0.003/straw

Choice 7 3/4" Jumbo Clear Unwrapped Straw - 12000/Case 1-2 cases, \$24.99/case = \$0.002/straw

Non-plastic straws

Eco Products EP-ST780 7 3/4" Clear Wrapped Compostable Plastic Cold Drink Straw – 7200/case 1-2 cases, \$214.49/case = \$0.03/straw

EcoChoice 7 3/4" White Jumbo Unwrapped Paper Straw - 4800/Case 1-2 cases, \$66.99/case = \$0.01/straw

HAY! Straws 7 3/4" Natural Wheat Biodegradable Drinking Straws - 500/Pack \$25.80/pack = \$0.05/straw

Eco-Friendly Biodegradable Jumbo 9 1/2" Pasta Straw - 600/Case \$22.40/case = \$0.04/straw

BPI Certified Compostable Straws

Eco-Products EP-ST710 7 3/4" Jumbo Clear Renewable and Compostable Unwrapped Straw - 9600/Case, \$158.49/case = \$0.02/straw

Attachment B – Case Examples for On-site Reuse

The examples below are taken from the Rethink Disposable Website (<http://rethinkdisposable.org/resources>).

- **Subway** switched from disposable water cups and plastic-wrapped utensil sets to reusable water cups and reusable silverware for on-site use. Across the five stores that made the switch, most saw an annual net savings of \$546. One realized a savings of \$870. The payback period for each store was 3 months. Most stores managed to prevent almost 280 pounds of waste each year, with the fifth preventing 870 pounds. No additional dishwashing infrastructure was needed.

SUBWAY



Before



After

- **Gus' Taco Mexican Grill** switched from disposable utensils, plates and cups to reusable options and made straws on demand only. Their efforts save approximately \$416 annually and prevent 210 pounds of waste by eliminating 17,832 disposable items each year.

GUS' TACO



Before



After

- **Palette Food and Juice** in Los Angeles replaced 16oz disposable cups with reusable cups, replaced plastic condiment cups with steel cups, and made straws available only on request. They realized \$668 in net savings, eliminated 23,376 pieces of disposable packaging, and prevented 291 pounds of waste.

Attachment C – Examples of Polystyrene Alternatives

These product comparisons were prepared based on information from Webstaurant.com. They are meant to provide a general sense of cost differences between a selection of polystyrene products and potential alternatives. Each business would need to assess its own use of these products and determine what type of alternative would be an appropriate substitute. Items that include (BPI CERT) in the description are certified compostable by the Biodegradable Products Institute.

Product	Polystyrene Product	Unit Cost	Non-foam Product Alternatives	Unit Cost	Cost Difference
16 Oz Cold Cup	Dart 16J16 16 oz. Customizable White Foam Cup - 1000/Case (\$47.49/case)	\$.05	Fabri-Kal GC16S Greenware 16/18 oz. Compostable Clear Plastic Cold Cup - 1000/Case (\$93.48/case)	\$.09	\$.04
			Solo UltraClear TR16 16 oz. Clear PET Plastic Cold Tall Cup - 1000/Case (\$65.50/case)	\$.07	\$.02
			Solo RP16P-00055 Jazz 16-18 oz. Poly Paper Cold Cup - 1000/Case (\$58.49/case)	\$.05	\$0
16 Oz Hot Cup	Dart 16J16 16 oz. Customizable White Foam Cup - 1000/Case (\$47.49/case)	\$.05	Choice 16 oz. White Poly Paper Hot Cup - 1000/Case (\$42.99/case)	\$.04	-\$0.01
			EcoChoice 16 oz. Kraft Paper Hot Cup and Lid - 100/Pack (BPI CERT) (\$15.49/pack)	\$.15	\$.10
			EcoChoice 16 oz. Leaf Print Compostable and Biodegradable Paper Hot Cup - 1000/Case (BPI CERT) (\$74.49/case)	\$.07	\$.02
20 Oz Cold Cup	Dart 20J16 20 oz. Customizable White Foam Cup - 500/Case (\$31.49/case)	\$.06	Choice 20 oz. Clear Plastic Cold Cup - 600/Case (\$36.49/case)	\$.06	\$0
			EcoChoice 20 oz. Kraft Compostable and Biodegradable Paper Hot Cup - 600/Case (BPI CERT) (\$63.49/case)	\$.11	\$.05
20 Oz Hot Cup	Dart 20J16 20 oz. Customizable White Foam Cup - 500/Case (\$31.49/case)	\$.06	EcoChoice 20 oz. Sleeveless Kraft Compostable and Biodegradable Paper Hot Cup - 500/Case (\$86.99/case)	\$.18	\$.12
			EcoChoice 20 oz. Leaf Print Compostable and Biodegradable Paper Hot Cup - 600/Case (BPI CERT) (\$63.49/case)	\$.11	\$.05
			Bare by Solo 420PLA-J7234 Eco-Forward 20 oz. Paper Hot Cup - 600/Case (BPI CERT) (\$74.10/case)	\$.12	\$.06
			Choice 20 oz. White Poly Paper Hot Cup - 600/Case (\$31.49/case)	\$.05	-\$0.01

Product	Polystyrene Product	Unit Cost	Non-foam Product Alternatives	Unit Cost	Cost Difference
16 Oz Container	Dart 16MJ32 16 oz. Customizable Squat White Foam Food Container - 500/Case (\$34.49/case)	\$.07	Choice 16 oz. White Double Poly-Coated Paper Food Cup - 500/Case (\$35.99/case)	\$.07	\$0
			EcoChoice 16 oz. Compostable and Biodegradable Paper Food Cup with Tree Design - 500/Case (BPI CERT) (\$48.49/case)	\$.10	\$.03
6" Hinge Container	Dart 60HT1 6" x 6" x 3" White Foam Hinged Lid Container - 500/Case (\$21.49/case)	\$.04	EcoChoice Biodegradable, Compostable Sugarcane / Bagasse 6" x 6" x 3" Take-Out Container - 500/Case (\$58.99/case)	\$.12	\$.08
			Choice 6 3/4" x 5 1/4" x 2 1/2" Kraft Microwavable Folded Paper #8 Take-Out Container - 300/Case (\$42.99/case)	\$.14	\$.10
			Dart CH24DED ClearPac Safe Seal 24 oz. Tamper-Resistant, Tamper-Evident Container with Dome Lid - 200/Case (\$30.99/case)	\$.15	\$.11
9" Hinge Container	Dart 90HTPF1R 9" x 9" x 3" White Foam Square Take Out Container with Hinged Lid - 200/Case (\$18.49/case)	\$.04	EcoChoice 9" x 9" x 3" Biodegradable, Compostable Sugarcane / Bagasse 1 Compartment Takeout Box - 200/Case (\$39.99 or \$29.99/case)	\$.20 or \$.15 (club)	\$.16 - \$.11
			Choice 9" Round Heavy Weight Foil Take-Out Pan - 500/Case (\$43.99/case)	\$.09	\$.05
			Polar Pak 29579 9" x 9" PET Black and Clear Hinged Take-out Container - 200/Case (\$94.99/case)	\$.48	\$.44