

September 6, 2018

Special Meeting of the Foodware Subcommittee to solicit public input on the proposed Single Use Foodware and Litter Reduction Ordinance

Meeting was held at Sports Basement at 2727 Milvia St., Berkeley.

Meeting began at 6:06 and adjourned at 7:20pm.

Foodware Subcommittee Members in Attendance:

- Chrise de Tournay
- Annette Poliwka
- Katie McKinstry

Intro provided by City of Berkeley Mayor Jesse Arreguin.

Summary of proposed Ordinance provided by Martin Bourque, Ecology Center.

Business case studies presented by Samantha Sommer, ReThink Disposable.

Responses to questions and additional information provided by Councilmember Sophie Hahn.

30 members of the public attended

14 public comments

Summary of Spoken Public Comments:

1. Jim Trevor – Artichoke Basille’s Pizza

- The proposed Ordinance is well-intentioned
- Our business only serves to-go; they do not have a dine-in option due to City regulations
- A \$0.25 fee shouldn’t be imposed on restaurants that aren’t allowed by the City to accommodate a dine-in option
- We do not want to produce more trash from disposable foodware
- Health Department frowns upon individuals bringing their own containers (BYOC)
- It is important to consider the impact of this proposed Ordinance to local businesses

2. Paul – GoBox SF Bay Area

- GoBox offers reusable cups and containers
- Vendor resources should be made available to businesses
- There should be incentives for use of reusable to-go containers
- There should be incentives for businesses to get a dishwasher
- The City could bundle vendor services/resources for businesses
- To support BYOC, I suggest itemizing the “charge” for BYOC with a “\$0.00” on the receipt so customers see that the financial benefit of bringing their own container instead of paying the \$0.25.

3. Melissa Hatheway - Rialto Cinemas Elmwood

- We are the only independently owned theater in Berkeley
- We are in a 100yr old building; they do not have a kitchen or have room for a kitchen
- We do not have room for a dishwasher or storage space for reusables
- We have 275 seats; we don’t have the capacity to collect, wash or store that many cups or dishes

- Patrons are cost conscious
- NOTE: Melissa also submitted written comments

4. Helen Walsh – representing the City of Berkeley Commission on Disability

- Single Use Disposables impact the environment
- People with medical issues, in hospice, seniors, and children may depend on straws to eat or take medication
- Straws are a tool, not a convenience
- NOTE: The Commission on Disability also submitted written comments

5. Jamie Smith – Clean Water Action

- Through Clean Water Action’s ReThink Disposable Program, over 100 Bay Area businesses have collectively:
 - saved an average of \$3,000/year
 - prevented 122,000 pounds of waste
 - eliminated the use of over 10 million pieces of trash
- Businesses accomplished this feat by switching to reusable foodware for on-site dining
- Although some businesses voluntarily eliminate/reduce use of disposables, it will take leadership of this City Council to make an effective impact.
- Cost of increased water use from washing reusables is a common concern from businesses; in reality, the increase in cost is insignificant.
- The use of disposables wastes water; the water used to produce, distribute and manage disposables is significantly greater than the water needed to wash a reusable item thousands of times.
- I ask City Council to adopt this Ordinance

6. Sam – Third Culture Bakery

- I am a Business Owner and UCB graduate with an Environmental Science background
- Support intent of proposed Ordinance
- Not sure how this will work in practice at a bakery with sauces, whipped cream, etc.
- Hygiene/safety is a big concern
- Have seen problems with people BYOC when he worked for a coffee shop; people would bring in moldy cups and cups containing spoiled milk
- Need a balanced approach
- Need to have health department and other stakeholders involved
- Most logical progression would be to promote compostables
- Disappointed that compost isn’t emphasized
- Recommend the City rethinks the Ordinance and moves in a more natural progression

7. Business Owner from Top Dog

- Recommends compostable containers be adequate to dodge the to-go fee
- The fee is an administrative hassle
- BYOC is problematic – have to comply with Health Department regulations
- We do not have space for a dishwasher
- Concern about reusables (especially glass or porcelain) being used as projectiles

- We currently bolt everything down (napkin holders, etc.) because this has been a problem; it is dangerous/a safety concern for his staff.

8. UC Berkeley Student

- The work Clean Water Action is doing is very important
- Should inform businesses about compost bins/encourage participation in the compost program
- Is 9 auditors enough? Should encourage Clean Water Action to work with local groups and hire more auditors or interns
- Information is going to be very important in this process

9. Tom – Farm Burger

- We are in Berkeley because we care about Berkeley
- Sales volume in Berkeley is 30% of our East Coast locations
- Our business has been using compostable foodware
- It is important to consider unintended consequences
- Worried businesses will move away from compostable foodware
- Staff live on tips; concerned that the impact of the fee will be a reduction in tips for staff
- The minimum wage law is already a major impact
- I support inclusion of health inspector in this process
- Businesses spend a lot of time figuring out how to comply with health regulations

10. Farhad Salehian – DishJoy

- Our company seeks to profit off of the problems raised tonight (i.e. lack of dishwasher capability)
- The only solution is to share dishwashing services
- We already do it for corporate campuses and we could easily transition to help businesses

11. Ed - Super Duper Burger

- Ask that the City helps business owners with costs
- The City should work with manufacturers of disposables to purchase compliant foodware in bulk so businesses can pass savings on to consumers

12. John Hanscom – Berkeley resident

- It is not enough to say, “go recyclable” or “go compostable”. It is important to figure out how to reduce waste, not focus on how to recycle and compost the waste that is generated.
- There is an excess of plastics when ordering food to-go. You often end up with a handful of utensils, straws, etc. put in the bag.
- We need to be more thoughtful about what is going out the door.

13. Jack Macy – Berkeley Resident

- Appreciate all the comments from businesses
- It is much more environmentally preferable to use reusables over compostables
- If using fiber, half is going to be released as carbon dioxide in the compost process
- PLA often gets screened out at the compost facility or doesn't fully break down
- There is a huge difference in resources used with disposables vs. reusables.

- Businesses are saving money by switching to reusables; it is a win/win
- SF just passed a similar law
- This is a model that will spread to other cities
- Health Department doesn't say that businesses can't refill containers; they just need to follow certain handling practices.
- It can work; I fully support this ordinance.

14. Miriam Gordon – UpStream

- Has researched the health code extensively re: BYOC and created a fact sheet
- CA Department of Health controls local health inspectors
- Health Dept allows refilling of containers, but requires contamination-free practices
- UpStream is working on a guidance document for how to refill customer's BYOCs
- There is a hardship exemption for businesses in the proposed Ordinance; businesses can make the case if they don't have the ability to wash dishes onsite.
- \$0.25 creates a level playing field
- There is cost savings for businesses if not purchasing disposables
- Need a reliable external system for to-go containers to make this easier for businesses and customers