



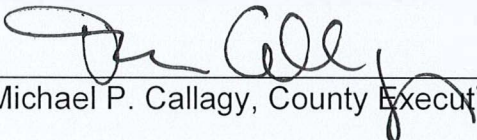
## ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

**SUBJECT:** County Foodware Policy

**NUMBER:** B-35

**RESPONSIBLE DEPARTMENT:** Sustainability Department

**APPROVED:**

  
Michael P. Callagy, County Executive

**DATE:** 6/2/24

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### Overview

With this administrative memo, County Departments are directed to:

1. Only purchase natural fiber-based compostable foodware for office functions and County-hosted events.
2. Distribute foodware accessories and condiments only by request when serving prepared food to the public.
3. Have caterers use reusable foodware when a professional, full-service vendor caters an event of 75 or more attendees.

Details, instructions, and foodware that meets these requirements can be found for purchase here: [SharePoint site](#). These policies reflect the requirements of State law and the San Mateo County Disposable Foodware Ordinance.

### I. Purpose

This administrative memorandum establishes the County Foodware Policy, which reduces disposable foodware waste by: 1) prohibiting the procurement of single-use plastics, 2) requiring the procurement of natural, fiber-based compostables (when utilizing single-use foodware), 3) managing the distribution of foodware accessories and standard condiments, and 4) requiring catering services hired by the County to utilize reusable foodware for large County-hosted events (i.e., any event where County funds are used to procure food and foodware for the event).

This Policy addresses the ever-growing amount of plastic pollution that enters our waterways as litter and that becomes part of the food we eat when fish consume them. It also ensures foodware is safe for public health and wildlife habitats as well as reduces contamination in recycling and composting streams.

The County of San Mateo adopted the Disposable Foodware Ordinance on February 25, 2020, and it was codified at Chapter 4.107 of the San Mateo County Ordinance Code (Ordinance). The purpose of the Ordinance is to reduce foodware waste generated at food facilities. Most cities in the county have adopted the County's model Ordinance as part of the countywide effort to reduce waste. Implementation of the County Foodware Policy administrative memorandum ensures that County departments have a policy resource to align purchasing practices with the Ordinance and provides a path to support the County's Government Operations Climate Action Plan waste reduction goal of achieving zero waste for all County operations by 2035.

This County Foodware Policy only applies to County departments when purchasing foodware for office operations, functions, serving food to the public, and when contracting with full-service professional catering companies for County-hosted events with 75 or more planned attendees.

Included below are details of the Policy requirements: *A) Applicability, B) Standards and Required Use of Disposable Foodware, C) Distribution of Disposable Foodware Accessories and Condiments, D) Use of Reusable Foodware, and E) Exceptions*

For easy reference, tables summarizing the Policy requirements can be found at the end of the memorandum.

## **II. Policy**

### *A. Applicability*

This Policy applies to:

- 1) County departments using County funds to:
  - a. Purchase disposable foodware for office operations and functions, such as activities in staff/break rooms, meetings, workshops, trainings, and other convenings; or
  - b. Provide prepared food (a.k.a. ready-to-eat-food) to the public or host an event; or
  - c. Hire catering companies who provide professional, full-service catering to County events and functions for 75 or more planned attendees.

### *B. Standards and Required Use of Disposable Foodware*

- 1) The use of polystyrene-based disposable foodware (a.k.a. plastic #6 and Styrofoam) is prohibited.
- 2) The following disposable foodware items shall be made from natural, fiber-based (e.g., paper, sugarcane, bamboo, etc.) compostable materials and these items may be lined with a biological based polymer such as polylactic acid (PLA):
  - a. Plates
  - b. Bowls (of all sizes including, but not limited to, soup and salad bowls)

- c. Cups (of all sizes including, but not limited to, beverage and accessory cups for standard condiments)
  - d. Food trays and food boats
  - e. Boxes
  - f. Hinged or lidded containers (e.g., clamshells), deli containers, and other containers used for the sale and/or distribution of prepared food
- 3) The following disposable foodware accessories (and the packaging that these individual items are wrapped in, if any) shall be made from natural, fiber-based (e.g., paper, sugarcane, bamboo, etc.) compostable materials:
- a. Straws
  - b. Stirrers
  - c. Utensils
  - d. Cocktail sticks/toothpicks
- 4) The compostable, disposable foodware items listed in Section B (2) above, shall not contain any intentionally added per- or poly-fluoroalkyl substances (PFAS). To verify this, such products must be certified compostable and PFAS-free by an independent third party in collaboration with local waste processors and haulers, as needed.
- 5) For foodware lids and all other disposable foodware not listed in Section B (2) and (3), only disposable foodware that is accepted for composting or recycling by local waste processors and haulers shall be used, unless a feasible alternative does not exist. The Sustainability Department will provide resources to assist County employees with proper guidance on composting and recycling best practices.

### *C. Distribution of Disposable Foodware Accessories and Condiments*

- 1) The following requirements apply to County departments when serving prepared food to the public or hosting events:
- a. Disposable foodware accessories include, but are not limited to, straws, stirrers, utensils, cocktail sticks, toothpicks, napkins, condiment packets, cup sleeves, and lids.
  - b. Disposable foodware accessories and condiments shall only be distributed one at a time when requested by the consumer and cannot be displayed in open bins/containers. However, foodware accessories may be made available at a self-serve station without request, using a refillable self-serve dispenser if that dispenser distributes one item at a time. These accessories shall only be distributed unbundled as separate items.
  - c. Standard condiments (ketchup, mayonnaise, mustard, relish, etc.) may be made available without request at a self-serve station using bulk dispensers.

### *D. Use of Reusable Foodware*

- 1) Reusable foodware is required for large, County-hosted events (i.e., any event where County funds are used to procure food and foodware) when:
  - a. A professional full-service catering service is hired. Full-service catering includes, at a minimum: food/beverage delivery; provision and set-up of food/beverages, serving equipment, and tableware; dedicated staff on-site during the entire event to provide continued service (e.g., replenish food/beverages/supplies, clean-up, etc.); and clean-up of space during and after the event; and
  - b. There are more than 75 planned attendees at the event.

#### *E. Exceptions*

This Policy is not applicable if:

- 1) County employees purchase foodware or meals with their own funds or bring their own foodware from home.
- 2) It conflicts with the Americans with Disabilities Act or any other controlling and applicable law.

The reusable foodware requirement, does not apply to:

- 1) County catered events with fewer than 75 planned attendees; or
- 2) County events without professional, full-service catering.

#### *F. Automatic Exemptions*

- 1) Temporary exemptions due to an emergency are automatic without the submission of a request for an exemption.

### **III. Resources and Technical Assistance**

The Sustainability Department conducts outreach to County departments regarding this Policy and provides technical assistance to support implementation by departments. County employees can find guidance and information on the County Foodware Policy [SharePoint site](#).

The County Foodware Policy SharePoint site also contains a list of approved disposable foodware items that meet the requirements of this Policy. If a County department wishes to use an alternative item not on this list, please reach out to the Sustainability Department for support in ensuring the item complies with the requirements detailed in Sections (B) and (C).

### **IV. Timeline**

The Policy requirements go into effect upon approval by the County Executive's Office. However, County departments are allowed to use up their existing inventory of non-compliant disposable foodware until the items are depleted.

## **V. County Foodware Policy Requirements Summary Tables**

Below are tables summarizing the product purchasing requirements outlined in the County Foodware Policy and the distribution of foodware accessories and condiments.

**Table 1. Product Purchasing Requirements for Disposable Foodware**

Items	Must be fiber-based compostable (e.g., paper, sugarcane, wood)	Can be lined with compostable plastic (e.g., PLA or other biopolymers)	Must be approved by a 3 <sup>rd</sup> party*	Must be PFAS-free
Straws**	✓			✓
Stirrers**	✓			✓
Utensils**	✓			✓
Cocktail sticks/ Toothpicks**	✓			✓
Plates	✓	✓	✓	✓
Bowls	✓	✓	✓	✓
Cups (e.g., sauce and beverage cups)	✓	✓	✓	✓
Food trays/boats	✓	✓	✓	✓
Boxes	✓	✓	✓	✓
Hinged/lidded containers (e.g., clamshells, etc.)	✓	✓	✓	✓
Deli containers	✓	✓	✓	✓
Other food containers	✓	✓	✓	✓

\* Biodegradable Products Institution certification, Compost Manufacturing Alliance approval, or another third-party approved by the County of San Mateo Office of Sustainability required.

\*\* If individually wrapped, packaging must also be fiber-based compostable.

**Table 2. Requirements for Distribution of Disposable Foodware Accessories and Condiments**

<b>Foodware accessories* and condiments:</b>
<ul style="list-style-type: none"> <li>• Must be distributed to consumers by their request only.</li> <li>• Can alternatively be distributed through one-at-a-time self-serve dispensers; through bulk, refillable condiment dispensers; or as single-serving condiment packet by staff upon request.</li> <li>• Cannot be distributed in open bins / containers.</li> <li>• Cannot be bundled with other foodware accessories. For example, packets containing a fork, knife, spoon, and napkin are prohibited.</li> </ul>

\* Examples of foodware accessories include utensils (spoons, forks, knives, chopsticks), straws, stirrers, napkins, condiment packets, toothpicks, cocktail sticks, cup sleeves, cup spill plugs, drink carriers, etc.