



Environmentally Acceptable Food Packaging and Products Ordinance 6.48 Adopted January 2020

UPDATE: Due to the Impacts of Covid-19, the implementation deadline was twice extended

Frequently Asked Questions

Who is responsible for complying with the ordinance? All City of Santa Cruz food vendors or food service providers whether selling or giving away food or beverages must comply. This includes places such as restaurants, coffee shops, delis, theatres, convenience stores and motels. It also includes special events such as weddings, concerts, foot races, parades, and festivals.

What are approved food service ware products? Fiber based products such as straws, plates, bowls, cups and boxes that have received BPI or other third Party certification that they are free from additionally added PFAS chemicals. Wooden and bamboo cutlery as well as aluminum foil or trays are acceptable. Plastic (#1-7), PLA/Bioplastic straws, cups, containers, clamshells and cutlery are **not acceptable**.

What about polystyrene Plastic (PS)? The ordinance prohibits food vendors from using polystyrene (#6 EPS) plastic/ foam or rigid polystyrene plastic (#6PS- like clamshells) for food prepared and served within the City of Santa Cruz.

Does the ordinance include polystyrene coolers or packing peanuts? The Polystyrene Ban adopted in 2012 remains in effect. The ordinance prohibits the sale of polystyrene foam products that are not fully encapsulated in a more durable product in the City of Santa Cruz. This includes food service ware, coolers and packing peanuts.

Why is there a ban on polystyrene, plastic and bio plastic takeout containers? There are many benefits to eliminating the use of polystyrene plastic, foam products and other plastic/Bio Plastic packaging. It will lessen the impact of litter, reduce health concerns, conserve natural resources and help to ensure the vitality of the Monterey Bay National Marine Sanctuary.

Are there any exemptions? Uncooked meat is exempt and may still be packaged in polystyrene. There are no other exemptions. **NOTE:** *PLA based lids may be considered acceptable at this time for safety reasons. Check first with Waste Reduction Manager, contact listed at end of this document.

What does upon request mean? Straws, utensils, condiment packets and other accessories should only be given to the customer if they ask for them. Alternately, employees are encouraged to ask the customer if they need the above items when filling the order.

Are beverage bottles and cans acceptable? Beverages served in cans are desirable because aluminum and bi-metal are highly recyclable. Bottled water and soda are acceptable because the containers can be recycled.

Can a Business use packaging that this is all plastic or all Bio Plastic? No, all food service ware including cutlery, straws and beverage lids must meet the biodegradable or compostable requirement. (Fiber Based and BPI or other Third Party Vendor Certified free of additionally added PFAS). Wooden or bamboo utensils are acceptable. **NOTE:** *PLA based lids may be considered acceptable at this time for safety reasons. Check first with Waste Reduction Manager, contact listed at end of this document.

Will this packaging be composted and turned into soil when disposed of? Not at this time.

Why require BPI certified Fiber based compostable ware if it's not being sent to an industrial composting facility. This ordinance is not just about switching one material for another. If there must be disposables, we want the least harmful to human health and the environment. We think the best thing for the environment overall would be to reduce and better yet eliminate reliance on disposable items by utilizing durable reusable dishware. Either business provided in house, or through a third party lender system or allowing the use of clean reusable customer containers. Requiring certified PFAS free and Fiber based disposable items; reduces the demand for petroleum to make plastic, reduces the impact of litter to the land and marine environment, puts the City in a much better position to have our material accepted should a regional industrial composting facility become a viable option.

Is a business required to charge customers extra for cups? Yes, businesses are required to charge an additional .25 for each cup sold with a hot or cold beverage. This fee must be a line item on a receipt and signage to the customer is encouraged. Charging for takeout containers is optional at this time.

What happens to the .25 charge for disposable cups? Similar to the bag fee, businesses retain the .25 fee.

Is a business allowed to let customers use their own cups and containers? Yes, businesses are encouraged to allow customers to have their clean and reusable cup filled to avoid the need for a disposable cup.

Will changing to environmentally acceptable service ware cost more? It depends on the food service packaging needs and the products chosen. There are many packaging options available and new products entering the market each year. A food vendor has the option to charge customers an additional fee to help cover any additional costs for compliant service ware beyond cups.

What are the penalties for not complying? The penalties and fines shall be enforced as follows: 30 day warning, first violation = \$100, second violation = \$200, third violation = \$500 and every 30 days for which the vendor is not in compliance there will be an additional \$500 fine.

Are there penalties for special events held in the City of Santa Cruz? Special event promoters may forfeit their deposits and may lose the privilege of hosting future events in the City of Santa Cruz if they violate the ordinance. Fines are as follows: \$200 for a 1 to 200 person event, \$400 for a 201 to 400 person event, \$600 for a 401 to 600 person event and \$1,000 for an event of 601 or more persons.

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