



Kriss Worthington

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ACTION CALENDAR

March 11, 2014

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: City Manager and Zero Waste Commission Referral: Create an Ordinance to Require All Berkeley Food Establishments to Use Compostable Food Service Containers and Utensils

RECOMMENDATION:

Refer to the City Manager and Zero Waste Commission to create an ordinance to require all food establishments in Berkeley to use compostable containers and utensils for all food service activities. Materials that would qualify under this ordinance would be paper and cardboard containers, as well as containers and utensils made from compostable plant-based plastics (PLA). The mandate should specify the use of “compostable”, as opposed to “biodegradable” materials, as well as “plant-based plastics (PLA),” as opposed to “plant starch plastics,” which are not compostable.

BACKGROUND:

Berkeley banned the use of polystyrene (i.e. Styrofoam) in 1988, setting a precedent that over 70 cities and counties across California have followed since then with their own local ordinances to ban the use of polystyrene.¹ In 2005, Berkeley passed a resolution setting a Zero Waste Goal of eliminating the materials that Berkeley sends to landfills by the year 2020,² and in 2006, changed the name of the Solid Waste Commission to the Zero Waste Commission.³ Berkeley has already taken the lead in raising the bar and establishing clear priorities for waste management standards. Now, the increasing affordability of compostable plastics, as their use expands through the food service market, provides a unique opportunity for Berkeley to raise the bar again and come even closer to achieving its Zero Waste Goal.

Americans’ addiction to plastic causes us to discard 33.6 million tons of plastic per year into landfills, of which we recycle only 6.5 percent. This does not include the 100 million tons of plastic currently floating in our oceans.⁴ While the Ecology Center provides valuable plastic recycling services for the city, the nature of plastic recycling technology is limited by the ability to recycle only certain types of uncontaminated plastics. Clearly, the best strategy to achieve Zero Waste is elimination at the point of consumption. Furthermore, plastic contaminates our groundwater as it leaches from landfills, requires almost 8 percent of world petroleum oil production to sustain, kills and injures wildlife and disrupts our ocean ecosystems, and causes chronic health problems in humans.

Phtalates and bisphenol A, two common endocrine disrupters found in plastics, impair reproduction and sexual and brain development, and have been linked to higher rates of heart disease and diabetes. Phtalates and bisphenol A substances leach easily into food and water in plastic containers.⁵

Many food establishments now choose to use a variety of compostable alternatives to petroleum-based plastic containers and utensils for their food service needs. It is now not uncommon to find takeout containers made from waxed cardboard or sugarcane-based paper, as well as takeout boxes, cups and utensils made from compostable plant-based plastics (PLA).⁶ As more businesses and institutions choose to use these alternatives, compostable food service materials will become increasingly affordable, and thus further increase their use in a positive feedback cycle. By passing the suggested ordinance, Berkeley can quickly increase the accessibility of this environmental choice and change the norms of individual and institutional behavior by merely strengthening through policy the growing preferences of consumers and businesses to use compostable food products. The ordinance would also increase the awareness and active participation of Berkeley residents, patrons and businesses in achieving its zero waste goal.

Once this ordinance is passed, the Ecology Center, Zero Waste Commission, and the Berkeley Health Department could provide assistance in outreach and implementation. The Ecology Center currently operates three farmers' markets that already have such a policy in place to require their food vendors to use compostable containers and utensils. The City of San Francisco passed an ordinance in 2006 that both bans the use of Styrofoam and requires the use of compostable food service materials, and uses a system of fines for violations to enforce compliance.⁷

One important technical note to include in the ordinance will be the distinction between the use of "compostable" materials and "biodegradable" materials. Compostable plastic is "plastic that can undergo a full decomposition as part of an industrial compost program," whereas biodegradable plastic will biodegrade naturally from bacteria or fungi, but has no requirement as to the length of time in which it breaks down and whether it leaves toxic residues.⁸ Also, businesses should be instructed to use compostable plant-based plastics (PLA), as opposed to "plant starch plastics," which are not compostable.⁹

FISCAL IMPACT:

Minimal.

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Web Links for Additional Information:

San Francisco Food Service Waste Ordinance, 2006

(http://www.sfenvironment.org/sites/default/files/editor-uploads/zero_waste/pdf/sfe_zw_food_service_waste_reduction_ordinance.pdf)

List of Vendors of Compostable or Recyclable Food Service Ware and Bags, from San Francisco Department of the Environment

(http://www.sfenvironment.org/sites/default/files/fliers/files/sfe_zw_vendors_bags_fs_w_0.pdf)

Citations:

1. <http://ethicalfoods.com/compostable-containers-restaurant/>,
http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local
2. [http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level 3 -
_Energy and Sustainable Development/Zero%20Waste%20Goal.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_Energy_and_Sustainable_Development/Zero%20Waste%20Goal.pdf)
3. [http://www.ci.berkeley.ca.us/citycouncil/2006citycouncil/packet/012406/2006-01-
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4. <http://blogs.ei.columbia.edu/2012/01/31/what-happens-to-all-that-plastic/>
5. <http://www.environmentalhealthnews.org/ehs/news/dangers-of-plastic>
6. <http://ethicalfoods.com/compostable-containers-restaurant/>
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